

# EXHIBIT “N” (PART 2)

1  
2 UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

3 \_ \_ \_ \_ \_ X  
EDWARD CARTER, FRANK FIORILO, )  
4 KEVIN LAMM, JOSEPH NOFI, and )  
THOMAS SNYDER, )

5 )  
6 Plaintiffs, )

-against-

) Index No.  
) CV 07 1215

8 INCORPORATED VILLAGE OF OCEAN )  
BEACH; MAYOR JOSEPH C. )  
9 LOEFFLER, JR., individually )  
and in his Official capacity; )  
10 former mayor NATALIE K.ROGERS, )  
individually and in her )  
11 official capacity, OCEAN BEACH )  
POLICE DEPARTMENT; ACTING )  
12 DEPUTY POLICE CHIEF GEORGE B. )  
HESSE, individually and in his )  
13 official capacity; SUFFOLK )  
COUNTY; SUFFOLK COUNTY POLICE )  
14 DEPARTMENT OF CIVIL SERVICE; )  
and ALLISON SANCHEZ, )  
15 individually and in her )  
official capacity, )

16 )  
17 Defendants. )

18 \_ \_ \_ \_ \_ X  
\*\*\*VOLUME II\*\*\*

19 CONTINUED DEPOSITION OF GEORGE HESSE  
Uniondale, New York  
20 June 16, 2009  
21  
22  
23

24 Reported by:  
Judi Johnson, RPR, CRR, CLR  
25 Job No.: 23331

926 RexCorp Plaza  
Uniondale, New York

June 16, 2009  
10:00 A.M.

Deposition of GEORGE HESSE, held at  
the offices of RIVKIN RADLER, LLP, 926  
RexCorp Plaza, Uniondale, New York, pursuant  
to Notice, before Judi Johnson, a Registered  
Professional Reporter, a Certified Realtime  
Reporter, a Certified LiveNote Reporter and  
Notary Public of the State of New York.

TSG Reporting - Worldwide (877) 702-9580

GEORGE HESSE  
APPEARANCES:  
THOMPSON WIGDOR & GILLY, LLP  
Attorneys for the Plaintiffs  
85 Fifth Avenue  
New York, New York 10003

BY: ANDREW S. GOODSTADT, ESQ.

MARKS, O'NEILL, O'BRIEN & COURTNEY, P.C.  
Attorneys for GEORGE B. HESSE  
530 Saw Mill Road  
Elmsford, New York 10523

BY: KEVIN W. CONNOLLY, ESQ.

RIVKIN RADLER, LLP

Attorneys for INCORPORATED VILLAGE OF OCEAN BEACH,  
JOSEPH LOEFFLER, NATALIE ROGERS AND OCEAN BEACH  
POLICE DEPARTMENT  
926 RexCorp Plaza  
Uniondale, New York 11556-0926

BY: KENNETH A. NOVIKOFF, ESQ.  
MICHAEL SCHNEPPER, ESQ. (A.M. SESSION ONLY)

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GEORGE HESSE  
BEE READY FISHBEIN HATTER & DONOVAN, LLP  
Attorneys for SUFFOLK COUNTY  
170 Old Country Road  
Mineola, New York 11501  
BY: (NOT PRESENT)

SUFFOLK COUNTY DEPARTMENT OF LAW  
Attorneys for the County  
100 Veterans Memorial Highway  
Hauppauge, New York 11788

BY: CHRIS TERMINI, ESQ.

ALSO PRESENT:  
JORDAN MUMMERT - LEGAL VIDEO SPECIALIST  
FRANK FIORILLO  
KEVIN LAMM  
JOE NOFI - A.M. SESSION ONLY

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GEORGE HESSE  
IT IS HEREBY STIPULATED AND AGREED by  
and between the attorneys for the respective  
parties herein, that filing and sealing and  
the same are hereby waived.

IT IS FURTHER STIPULATED AND AGREED  
that all objections, except as to the form  
of the question, shall be reserved to the  
time of the trial.

IT IS FURTHER STIPULATED AND AGREED  
that the within deposition may be sworn to  
and signed before any officer authorized to  
administer an oath, with the same force and  
effect as if signed and sworn to before the  
Court.

- o0o -

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1 GEORGE HESSE  
2 GEORGE HESSE,  
3 Called as a witness herein, having  
4 first been duly sworn, was examined and  
5 testified as follows:  
6 BY THE REPORTER:  
7 **Q Please state your name and address for**  
8 **the record.**  
9 A George Hesse, 623 Bay Walk, P.O. Box  
10 425, Ocean Beach, New York 11770.  
11 THE VIDEOGRAPHER: This is the start 10:27:46AM  
12 of the tape labeled Number 1 of the 10:27:47AM  
13 continuation of the videotaped deposition of 10:27:49AM  
14 George Hesse in the matter Carter, Fiorillo 10:27:52AM  
15 versus Incorporated Village of Ocean Beach. 10:27:56AM  
16 This deposition is being held at 92006 10:28:00AM  
17 RexCorp Plaza in Uniondale, New York on 10:28:06AM  
18 June 16th, 2009, at approximately 10:28:11AM  
19 10:30 a.m. 10:28:12AM  
20 My name is Jordan Mummert from TSG 10:28:13AM  
21 Reporting, Inc. I'm the legal video 10:28:16AM  
22 specialist. The court reporter is Judi 10:28:18AM  
23 Johnson, in association with TGS Reporting. 10:28:19AM  
24 Would counsel please introduce 10:28:20AM  
25 yourself. 10:28:20AM  
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1 GEORGE HESSE  
2 MR. GOODSTADT: Andrew Goodstadt, 10:28:20AM  
3 Thompson, Wigdor & Gilly, on behalf of the 10:28:25AM  
4 plaintiffs. 10:28:28AM  
5 MR. CONNOLLY: Kevin W. Connolly of 10:28:28AM  
6 Marks, O'Neill, O'Brien & Courtney, on 10:28:29AM  
7 behalf of the Defendant Hesse. 10:28:31AM  
8 MR. NOVIKOFF: On behalf of the 10:28:33AM  
9 village defendants, Ken Novikoff, and with 10:28:33AM  
10 me is Michael Schnepfer, Rivkin Radler. 10:28:35AM  
11 MR. TERMINI: And for Suffolk County 10:28:39AM  
12 and the Suffolk County defendants, Assistant 10:28:40AM  
13 County Attorney Chris P. Termini. 10:28:41AM  
14 MR. NOVIKOFF: Andrew, same stips as 10:28:55AM  
15 in every other deposition? 10:28:57AM  
16 MR. GOODSTADT: Yes. 10:28:59AM  
17 MR. NOVIKOFF: And same agreement with 10:29:01AM  
18 regard to the phrase of rehire versus 10:29:02AM  
19 termination in your questioning and my 10:29:04AM  
20 questioning? 10:29:06AM  
21 MR. GOODSTADT: Until we establish 10:29:08AM  
22 something different possibly. 10:29:09AM  
23 MR. NOVIKOFF: Yes. 10:29:10AM  
24 MR. CONNOLLY: And objection by one 10:29:13AM  
25 counsel is an objection by all? 10:29:15AM  
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1 GEORGE HESSE  
2 MR. NOVIKOFF: Sure. I'm fine with 10:29:18AM  
3 that. 10:29:19AM  
4 Are you fine with that? 10:29:20AM  
5 MR. GOODSTADT: Yeah, I'm fine with 10:29:21AM  
6 that. All objections other than as to form 10:29:22AM  
7 are preserved. 10:29:26AM  
8 EXAMINATION 10:29:27AM  
9 BY MR. GOODSTADT: 10:29:28AM  
10 **Q Good morning, Mr. Hesse.** 10:29:29AM  
11 A Good morning. 10:29:30AM  
12 **Q Thank you for returning.** 10:29:31AM  
13 **I just want to remind you that you are 10:29:32AM**  
14 **under oath and that you're sworn to tell the 10:29:33AM**  
15 **truth, and failure to do so can result in some 10:29:34AM**  
16 **criminal sanctions.** 10:29:36AM  
17 **Do you understand that?** 10:29:36AM  
18 A I do. 10:29:37AM  
19 **Q Between the first day of your 10:29:38AM**  
20 **deposition on June 3rd and today, did you review 10:29:41AM**  
21 **the transcript of your first deposition?** 10:29:44AM  
22 A No. 10:29:47AM  
23 **Q Did you review any excerpts of your 10:29:47AM**  
24 **transcript --** 10:29:48AM  
25 A No. 10:29:50AM  
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1 GEORGE HESSE  
2 **Q -- of your first deposition?** 10:29:50AM  
3 **I just want to remind you to let me 10:29:52AM**  
4 **finish my question before you answers, and I'll 10:29:54AM**  
5 **let you finish your answer. Okay?** 10:29:56AM  
6 A Yes. 10:29:56AM  
7 **Q Did you do anything to prepare for 10:29:57AM**  
8 **today's deposition?** 10:29:58AM  
9 A Yes. 10:30:00AM  
10 **Q What did you do to prepare for today's 10:30:00AM**  
11 **deposition?** 10:30:03AM  
12 A I met with my attorney, Kevin 10:30:03AM  
13 Connolly, yesterday. 10:30:05AM  
14 **Q For how long?** 10:30:07AM  
15 A Maybe four hours. 10:30:09AM  
16 **Q Where did you meet with him?** 10:30:10AM  
17 A In Westchester -- Elmsford, at his 10:30:12AM  
18 office. 10:30:14AM  
19 **Q And who was present during that 10:30:15AM**  
20 **meeting?** 10:30:17AM  
21 A Just he and I. 10:30:17AM  
22 **Q Did you review any documents during 10:30:18AM**  
23 **that meeting?** 10:30:21AM  
24 A Yes. 10:30:23AM  
25 **Q How many documents did you review?** 10:30:24AM  
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1 **GEORGE HESSE**  
2 A Maybe five. 10:30:28AM  
3 **Q Which ones? 10:30:29AM**  
4 A They pertained to an incident that 10:30:31AM  
5 took place October 31st of 2004 that dealt 10:30:33AM  
6 with -- we all call the Halloween incident. 10:30:37AM  
7 There may have been a couple of statements, a 10:30:43AM  
8 few statements. 10:30:46AM  
9 **Q Any other documents other than for the 10:30:47AM**  
10 **statements from the Halloween incident that you 10:30:50AM**  
11 **reviewed in preparation for today's deposition? 10:30:53AM**  
12 A No. 10:30:54AM  
13 **Q Did you take the sergeant's test on 10:30:55AM**  
14 **June 14th? 10:30:57AM**  
15 A Yes, I did. 10:30:58AM  
16 **Q And when do you find out what your 10:30:59AM**  
17 **score is, whether you passed or failed? 10:31:01AM**  
18 A I'm not really sure. Maybe November. 10:31:04AM  
19 **Q So you don't know as of today whether 10:31:07AM**  
20 **you passed or failed? 10:31:08AM**  
21 A No. 10:31:10AM  
22 **Q During your employment at Ocean Beach, 10:31:10AM**  
23 **have you received any written performance 10:31:12AM**  
24 **evaluations? 10:31:14AM**  
25 A Have I received any? 10:31:16AM  
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1 **GEORGE HESSE**  
2 particular document. 10:32:37AM  
3 **Q You've seen the form? 10:32:37AM**  
4 A I've seen the form, correct. 10:32:39AM  
5 **Q What's is this form? 10:32:40AM**  
6 A It's a yearly performance report. 10:32:41AM  
7 **Q Is this something that you've 10:32:43AM**  
8 **completed for other officers at Ocean Beach? 10:32:45AM**  
9 A Yes. 10:32:46AM  
10 **Q What year did you start completing 10:32:47AM**  
11 **these for other officers in Ocean Beach? 10:32:49AM**  
12 A I started in 2007. 10:32:51AM  
13 **Q And prior to 2007, do you know whether 10:32:53AM**  
14 **there were any written performance evaluations 10:32:56AM**  
15 **provided to any officers in Ocean Beach? 10:33:00AM**  
16 A I am unaware of any forms. 10:33:02AM  
17 **Q Who made the decision to start 10:33:06AM**  
18 **providing officers with yearly performance 10:33:09AM**  
19 **evaluations? 10:33:11AM**  
20 MR. NOVIKOFF: Objection to form. 10:33:13AM  
21 A I did. 10:33:14AM  
22 **Q And why did you make that decision? 10:33:15AM**  
23 A Well, in light of recent events, I 10:33:17AM  
24 thought it would be good to have some sort of a 10:33:20AM  
25 documentation of officers' yearly performance. 10:33:24AM  
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1 **GEORGE HESSE**  
2 **Q Yes. 10:31:17AM**  
3 MR. NOVIKOFF: Objection. 10:31:18AM  
4 Has he seen them or is he aware that 10:31:19AM  
5 he's gotten any? 10:31:21AM  
6 BY MR. GOODSTADT: 10:31:23AM  
7 **Q Well, why don't we start with have you 10:31:23AM**  
8 **seen any written performance evaluations. 10:31:25AM**  
9 A For myself, no. 10:31:28AM  
10 **Q Have you ever -- are you aware any of 10:31:30AM**  
11 **performance evaluations that have ever been 10:31:34AM**  
12 **prepared for you? 10:31:36AM**  
13 A No. 10:31:37AM  
14 MR. GOODSTADT: Just mark this. 10:31:41AM  
15 (Whereupon, Bates document 4547-488 10:31:43AM  
16 was marked as Plaintiff's Exhibit 8 for 10:31:43AM  
17 identification, as of this date.) 10:31:43AM  
18 MR. GOODSTADT: I've placed in front 10:32:19AM  
19 of Mr. Hesse what's been marked as Hesse 8. 10:32:21AM  
20 It is a two-page exhibit bearing Bates 10:32:24AM  
21 numbers 4547 and 4548. 10:32:26AM  
22 BY MR. GOODSTADT: 10:32:29AM  
23 **Q Mr. Hesse, have you ever seen this 10:32:30AM**  
24 **document that's been marked as Hesse 8? 10:32:32AM**  
25 A I've seen the document, but not this 10:32:35AM  
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1 **GEORGE HESSE**  
2 **Q What do you mean in light of recent 10:33:29AM**  
3 **events? 10:33:30AM**  
4 A Of this lawsuit. 10:33:32AM  
5 **Q Does Ocean Beach have a policy with 10:33:36AM**  
6 **respect to written performance evaluations? 10:33:38AM**  
7 MR. NOVIKOFF: Objection. 10:33:42AM  
8 A You know, I believe something just 10:33:45AM  
9 came up recently about doing yearly performance 10:33:47AM  
10 reports for every employee in the village. I 10:33:53AM  
11 just received a copy of a new form that the 10:33:56AM  
12 village would like to use. 10:33:59AM  
13 **Q When did you receive that? 10:34:01AM**  
14 A I believe last week. 10:34:02AM  
15 **Q Who did you receive it from? 10:34:05AM**  
16 A Maryanne Minerva. 10:34:06AM  
17 **Q Other than for the form that you 10:34:11AM**  
18 **received, do you know whether there's any 10:34:12AM**  
19 **policy -- strike that. 10:34:14AM**  
20 **Between 2000 and 2006, do you know 10:34:16AM**  
21 **whether there was any policy in Ocean Beach with 10:34:19AM**  
22 **respect to written performance evaluations? 10:34:21AM**  
23 MR. NOVIKOFF: Objection. 10:34:25AM  
24 A None that I'm aware of. 10:34:26AM  
25 **Q Do you know whether Hesse 8, which 10:34:28AM**  
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1 **GEORGE HESSE**  
2 **appears to be a yearly performance report for 10:34:30AM**  
3 **you, do you know whether that was ever 10:34:33AM**  
4 **completed? 10:34:35AM**  
5 A I don't think so, no. 10:34:36AM  
6 **Q Do you know who created this Hesse 8 10:34:37AM**  
7 **that has your name and the year 2007 on there? 10:34:40AM**  
8 A Yes. 10:34:42AM  
9 **Q Who created that? 10:34:43AM**  
10 A Paul Trosco. 10:34:44AM  
11 **Q Did he create them for all the 10:34:49AM**  
12 **officers for '07? 10:34:51AM**  
13 MR. NOVIKOFF: Objection. 10:34:53AM  
14 A Yes. 10:34:53AM  
15 MR. CONNOLLY: By "create," do you 10:35:01AM  
16 mean fill in the officers' names? 10:35:01AM  
17 MR. GOODSTADT: The names, exactly. 10:35:04AM  
18 BY MR. GOODSTADT: 10:35:06AM  
19 **Q Who actually created this form, if you 10:35:06AM**  
20 **know? 10:35:10AM**  
21 A Paul Trosco. 10:35:10AM  
22 **Q Was that your suggestion, that he 10:35:13AM**  
23 **create a form? 10:35:14AM**  
24 A Yes. 10:35:15AM  
25 **Q And who actually filled out the 10:35:21AM**  
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1 **GEORGE HESSE**  
2 A Yearly performance reports for Gary 10:37:23AM  
3 Bosetti and Kevin Nowaski. 10:37:27AM  
4 **Q If you look at the first page of 10:37:32AM**  
5 **Hesse 9, 8189. 10:37:32AM**  
6 A Yes. 10:37:35AM  
7 **Q Is this your handwriting on the 10:37:36AM**  
8 **document? 10:37:38AM**  
9 A Yes. 10:37:38AM  
10 **Q Is there anybody else's handwriting on 10:37:38AM**  
11 **the document or is it all yours? 10:37:41AM**  
12 A It is all mine. 10:37:43AM  
13 **Q And if you look at the bottom, it says 10:37:43AM**  
14 **"supervisor's signature." Is that your 10:37:46AM**  
15 **signature? 10:37:48AM**  
16 A That is correct. 10:37:49AM  
17 **Q And it's dated 1-31-08. 10:37:49AM**  
18 **Do you see that? 10:37:52AM**  
19 A Yes. 10:37:53AM  
20 **Q Is that the date that you completed 10:37:53AM**  
21 **this? 10:37:54AM**  
22 A Okay. 10:37:55AM  
23 **Q What was your title at that time? 10:37:55AM**  
24 MR. NOVIKOFF: Objection. 10:37:57AM  
25 A Deputy chief of police. 10:38:01AM  
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1 **GEORGE HESSE**  
2 **evaluations for each of the officers in '07? 10:35:24AM**  
3 A I did. 10:35:27AM  
4 **Q Did anyone else have any input? 10:35:28AM**  
5 A No. 10:35:31AM  
6 MR. GOODSTADT: Can you mark this. 10:36:04AM  
7 (Whereupon, Bates document 8189 and 10:36:06AM  
8 5326 was marked as Plaintiff's Exhibit 9 for 10:36:06AM  
9 identification, as of this date.) 10:36:06AM  
10 MR. GOODSTADT: I've placed in front 10:36:46AM  
11 of Mr. Hesse what's now been marked as 10:36:46AM  
12 Hesse 9. It is a two-page exhibit, bearing 10:36:49AM  
13 Bates numbers 8189 and 5326. And I 10:36:53AM  
14 represent these are not consecutively 10:36:57AM  
15 paginated, and they appear to be two 10:37:00AM  
16 separate performance evaluations, but I've 10:37:02AM  
17 marked as a single exhibit. 10:37:04AM  
18 MR. NOVIKOFF: One is G. Bosetti and 10:37:06AM  
19 the other one is Kevin Nowaski? 10:37:08AM  
20 MR. GOODSTADT: Yes. 10:37:14AM  
21 BY MR. GOODSTADT: 10:37:16AM  
22 **Q Mr. Hesse, do you recognize the 10:37:16AM**  
23 **documents that have been marked as Hesse 9? 10:37:18AM**  
24 A Yes. 10:37:21AM  
25 **Q And what are these documents? 10:37:21AM**  
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1 **GEORGE HESSE**  
2 **Q And again, just so the record is 10:38:06AM**  
3 **clear, by that time, you had not passed your 10:38:08AM**  
4 **sergeant's test or your chief's test? 10:38:11AM**  
5 MR. NOVIKOFF: Objection. 10:38:15AM  
6 A That's correct. 10:38:16AM  
7 **Q If you look up at the top, it's Gary 10:38:16AM**  
8 **Bosetti. 10:38:19AM**  
9 **Do you see that? 10:38:19AM**  
10 A Yes, sir. 10:38:20AM  
11 **Q And what was Mr. Bosetti's position in 10:38:20AM**  
12 **the department at that time? 10:38:21AM**  
13 A Part-time seasonal police officer. 10:38:23AM  
14 **Q And if you look under the -- on the 10:38:26AM**  
15 **first set of lines that has your handwriting on 10:38:30AM**  
16 **it, the second line says, "Needs to write more 10:38:32AM**  
17 **summons." 10:38:36AM**  
18 **Do you see that? 10:38:37AM**  
19 A Yes. 10:38:37AM  
20 **Q What did you mean by that? 10:38:38AM**  
21 A I think he only wrote two for the 10:38:39AM  
22 year, and I thought -- I expect him to write 10:38:42AM  
23 more. 10:38:44AM  
24 **Q Did you ever tell -- other than for 10:38:45AM**  
25 **this written evaluation, did you ever tell the 10:38:46AM**  
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1 **GEORGE HESSE**  
2 **officers in Ocean Beach that they need to write 10:38:49AM**  
3 **more summons? 10:38:52AM**  
4 MR. NOVIKOFF: Objection to form. 10:38:54AM  
5 A Yes. 10:38:55AM  
6 **Q Do you know whether Chief Paradiso 10:38:55AM**  
7 **ever told the officers at any time between 2000 10:38:58AM**  
8 **and 2006 that they need to write more summons? 10:39:01AM**  
9 A I don't know. 10:39:04AM  
10 **Q You never heard him say that? 10:39:04AM**  
11 A I don't recall. 10:39:06AM  
12 **Q Do you recall ever being in a meeting 10:39:08AM**  
13 **where the chief put up on a board the number of 10:39:09AM**  
14 **summons that people wrote? 10:39:12AM**  
15 A I don't recall that. 10:39:15AM  
16 **Q If you look at the second page of this 10:39:27AM**  
17 **exhibit, 5226. 10:39:29AM**  
18 **Do you see that? 10:39:32AM**  
19 A Yes. 10:39:32AM  
20 **Q Is this your handwriting again on this 10:39:33AM**  
21 **document? 10:39:34AM**  
22 A Yes. 10:39:35AM  
23 **Q And that's your signature under 10:39:35AM**  
24 **"supervisor's signature"? 10:39:36AM**  
25 A Yes. 10:39:38AM  
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1 **GEORGE HESSE**  
2 **Q And again, you're telling Mr. Nowaski 10:39:38AM**  
3 **that he needs to write more summons as well, 10:39:42AM**  
4 **correct? 10:39:45AM**  
5 A Yes. 10:39:45AM  
6 **Q Was that a problem in the department, 10:39:46AM**  
7 **that officers weren't writing enough summonses? 10:39:47AM**  
8 MR. NOVIKOFF: Objection. Form. 10:39:50AM  
9 A I wouldn't say it was a problem, but I 10:39:51AM  
10 thought guys needed to step up some of their 10:39:54AM  
11 work. 10:39:56AM  
12 **Q And what was Mr. Nowaski's position in 10:39:57AM**  
13 **2007? 10:40:01AM**  
14 A Part-time seasonal police officer. 10:40:01AM  
15 **Q Did you actually deliver these reports 10:40:03AM**  
16 **to the different officers -- strike that. 10:40:06AM**  
17 **Did you actually deliver Gary 10:40:09AM**  
18 **Bosetti's report to him? 10:40:11AM**  
19 A I don't -- what do you mean by 10:40:16AM  
20 "deliver"? 10:40:18AM  
21 **Q Actually sit down, go over it him, let 10:40:18AM**  
22 **him see a copy of it, discuss it with him. 10:40:22AM**  
23 A No. 10:40:25AM  
24 **Q Did he ever actually ever see a copy 10:40:25AM**  
25 **of this? 10:40:27AM**  
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Page 322

1 **GEORGE HESSE**  
2 A I don't know. 10:40:27AM  
3 **Q So you never showed him a copy of it? 10:40:28AM**  
4 A I really -- I don't recall if I did. 10:40:30AM  
5 **Q What did you do with this after you 10:40:32AM**  
6 **filled it out? 10:40:34AM**  
7 A It went right into their employee 10:40:35AM  
8 packets, their folders. 10:40:37AM  
9 **Q Personnel files? 10:40:40AM**  
10 A Yes. 10:40:40AM  
11 **Q How about Mr. Nowaski, did you deliver 10:40:42AM**  
12 **a copy of this to Mr. Nowaski? 10:40:44AM**  
13 A No. 10:40:46AM  
14 **Q Did you deliver a copy of the annual 10:40:47AM**  
15 **reports to any of the officers in '07? 10:40:49AM**  
16 A I don't recall if I did. 10:40:53AM  
17 **Q Did you ever receive an employee 10:40:57AM**  
18 **handbook at Ocean Beach? 10:40:59AM**  
19 A I did, yes. 10:41:01AM  
20 **Q When did you receive it? 10:41:03AM**  
21 MR. NOVIKOFF: Objection. Form. 10:41:05AM  
22 A Officially, in -- I'd like to say 10:41:14AM  
23 '97ish. 10:41:22AM  
24 **Q What do you mean by officially? 10:41:24AM**  
25 A I believe it was a document that was 10:41:28AM  
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1 **GEORGE HESSE**  
2 formulated by someone in the village and it was 10:41:28AM  
3 floating around for a while. It was never 10:41:28AM  
4 officially approved. And then one day it just 10:41:32AM  
5 kind of showed up. I still don't know if it was 10:41:35AM  
6 approved. And to tell you, to this date, I 10:41:38AM  
7 don't think it was approved until somewhere in 10:41:40AM  
8 early 2000, 2001, '2. 10:41:43AM  
9 **Q Approved by who? 10:41:46AM**  
10 A By the village board. 10:41:47AM  
11 **Q The board actually voted on it, 10:41:49AM**  
12 **approved it somewhere in 2000, 2002? 10:41:51AM**  
13 A I'm guessing. I don't recall. 10:41:53AM  
14 MR. GOODSTADT: Let's mark this. 10:41:58AM  
15 (Whereupon, Bates document 1-25 was 10:41:59AM  
16 marked as Plaintiff's Exhibit 10 for 10:41:59AM  
17 identification, as of this date.) 10:41:59AM  
18 MR. GOODSTADT: I've placed in front 10:42:34AM  
19 of Mr. Hesse what's been marked as Hesse 10. 10:42:35AM  
20 It is a multiple-page exhibit bearing Bates 10:42:37AM  
21 Numbers 1 through 25. (Handing.) 10:42:41AM  
22 BY MR. GOODSTADT: 10:42:45AM  
23 **Q Mr. Hesse, do you recognize this 10:42:46AM**  
24 **document? 10:42:51AM**  
25 A Yes. 10:42:51AM  
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1 GEORGE HESSE  
2 Q And is this the handbook that you 10:42:52AM  
3 testified that you received? 10:42:53AM  
4 A It appears to be. 10:42:54AM  
5 Q Do you know whether this handbook was 10:42:56AM  
6 distributed to all officers in Ocean Beach? 10:42:58AM  
7 MR. NOVIKOFF: Objection. 10:43:01AM  
8 A I don't believe so. 10:43:05AM  
9 Q Do you know if it was distributed to 10:43:05AM  
10 any officers in Ocean Beach? 10:43:06AM  
11 MR. NOVIKOFF: Objection. 10:43:08AM  
12 A I believe it was only distributed to 10:43:09AM  
13 full-time persons of the village. 10:43:10AM  
14 Q So it's your understanding that it was 10:43:15AM  
15 not distributed to any of the part-time 10:43:17AM  
16 officers? 10:43:19AM  
17 A To the best of my recollection, no. 10:43:20AM  
18 Q Or any of the seasonal officers? 10:43:22AM  
19 A No. 10:43:23AM  
20 Q How come? 10:43:24AM  
21 MR. CONNOLLY: Objection. 10:43:25AM  
22 MR. NOVIKOFF: Objection. 10:43:26AM  
23 A I don't know. 10:43:27AM  
24 Q Who distributed it to the full-time 10:43:31AM  
25 officers? 10:43:32AM  
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1 GEORGE HESSE  
2 MR. NOVIKOFF: Bates stamped 9, but 10:44:23AM  
3 Page 5 of the book? Okay. I got it. 10:44:28AM  
4 BY MR. GOODSTADT: 10:44:30AM  
5 Q Now, do you see the second paragraph 10:44:30AM  
6 down, it goes through a progressive disciplinary 10:44:31AM  
7 system? 10:44:36AM  
8 A Yes. 10:44:38AM  
9 Q Says, "It upholds and maintains a 10:44:38AM  
10 progressive disciplinary system which may 10:44:43AM  
11 include all or part of the following steps 10:44:43AM  
12 unless otherwise covered by law." 10:44:46AM  
13 Do you see that? 10:44:49AM  
14 A Yes. 10:44:50AM  
15 Q Did you implement this disciplinary 10:44:50AM  
16 system? 10:44:52AM  
17 MR. NOVIKOFF: Objection. 10:44:53AM  
18 A No. 10:44:53AM  
19 Q Do you know whether anyone in the 10:44:54AM  
20 police department ever implemented this 10:44:56AM  
21 disciplinary system? 10:45:00AM  
22 A I am unaware. 10:45:01AM  
23 Q So you don't know one way or the 10:45:02AM  
24 other? 10:45:03AM  
25 A No. 10:45:05AM  
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1 GEORGE HESSE  
2 A The -- I believe Maryanne Minerva. 10:43:33AM  
3 Q Do you know whether the policies in 10:43:37AM  
4 this handbook covered part-time or seasonal 10:43:38AM  
5 employees? 10:43:41AM  
6 A I think very vaguely. I'd have to 10:43:41AM  
7 read through it. 10:43:43AM  
8 Q You don't know one way or the other, 10:43:44AM  
9 sitting here? 10:43:45AM  
10 MR. NOVIKOFF: Objection. Asked and 10:43:48AM  
11 answered. 10:43:50AM  
12 A Right now, no. 10:43:50AM  
13 Q If you turn to Page 5 -- it's Page 5 10:43:55AM  
14 of the book, but it's Bates numbered 9. 10:43:59AM  
15 A (Witness complies.) Uh-huh. 10:44:02AM  
16 Okay. 10:44:04AM  
17 Q Do you have that page? 10:44:08AM  
18 A Yes. 10:44:09AM  
19 Q Do you see up top where it says 10:44:10AM  
20 "unacceptable job performance/disciplinary 10:44:11AM  
21 action"? 10:44:15AM  
22 A Yes, I do. 10:44:16AM  
23 MR. NOVIKOFF: Are we on Page 5? 10:44:16AM  
24 MR. GOODSTADT: Bates stamped 9, but 10:44:19AM  
25 it's Page 5 of the book. 10:44:20AM  
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1 GEORGE HESSE  
2 Q If you look at Page 6 of the book, 10:45:05AM  
3 Bates stamp 10, do you see the employee 10:45:08AM  
4 performance appraisals paragraph? It's like 10:45:12AM  
5 halfway down the page. 10:45:15AM  
6 Do you see that? 10:45:16AM  
7 A Yes. 10:45:19AM  
8 Q Okay. It says, "Newly hired employees 10:45:20AM  
9 may receive performance appraisals after 30 10:45:22AM  
10 days." 10:45:26AM  
11 Do you see that? 10:45:26AM  
12 A Yes. 10:45:27AM  
13 Q Did you ever administer performance 10:45:27AM  
14 appraisals to any of your newly hired officers 10:45:30AM  
15 after 30 days? 10:45:33AM  
16 MR. NOVIKOFF: Objection. Foundation. 10:45:35AM  
17 A No. 10:45:37AM  
18 MR. NOVIKOFF: Form. 10:45:38AM  
19 BY MR. GOODSTADT: 10:45:38AM  
20 Q Do you know whether any performance 10:45:39AM  
21 appraisals were ever given to newly hired 10:45:41AM  
22 officers after 30 days? 10:45:44AM  
23 MR. NOVIKOFF: Form. 10:45:46AM  
24 A No. 10:45:46AM  
25 Q And it says "and a more formal 10:45:47AM  
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1 **GEORGE HESSE**  
2 **evaluation at the end of six months."** 10:45:49AM  
3 **Do you see that?** 10:45:52AM  
4 A Yes. 10:45:52AM  
5 **Q Did you ever give a performance** 10:45:53AM  
6 **appraisal to any of the officers at the end of** 10:45:55AM  
7 **six months?** 10:45:58AM  
8 MR. NOVIKOFF: Objection. Foundation. 10:46:00AM  
9 A No. 10:46:01AM  
10 **Q Do you know whether any officers were** 10:46:01AM  
11 **ever any performance appraisals at the end of** 10:46:02AM  
12 **six months?** 10:46:06AM  
13 MR. NOVIKOFF: Objection. Foundation. 10:46:07AM  
14 A No. 10:46:08AM  
15 **Q The last sentence says, "Thereafter,** 10:46:09AM  
16 **all employees may receive a performance** 10:46:11AM  
17 **appraisal annually."** 10:46:13AM  
18 **Do you see that?** 10:46:15AM  
19 A Yes. 10:46:16AM  
20 **Q And to your knowledge, that had not** 10:46:17AM  
21 **been implemented until -- in the police** 10:46:20AM  
22 **department until 2007; is that correct?** 10:46:22AM  
23 MR. NOVIKOFF: Objection. Form. 10:46:26AM  
24 Foundation. 10:46:27AM  
25 A Correct. 10:46:28AM  
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1 **GEORGE HESSE**  
2 **were off duty drinking in Ocean Beach?** 10:47:24AM  
3 A I don't recall. 10:47:27AM  
4 **Q Do you know whether the beach had or** 10:47:32AM  
5 **the department had any policy with respect to** 10:47:34AM  
6 **officers who show up to work under the influence** 10:47:40AM  
7 **of alcohol?** 10:47:42AM  
8 A There was no written policies. 10:47:44AM  
9 **Q Okay. Do you know whether there was** 10:47:45AM  
10 **ever any verbal policies with respect to** 10:47:49AM  
11 **officers drinking on duty?** 10:47:51AM  
12 MR. NOVIKOFF: Note my objection. 10:47:53AM  
13 A Well, I'm sure it would be frowned 10:47:56AM  
14 upon if somebody showed up intoxicated. I don't 10:47:59AM  
15 think that was ever an issue. I believe 10:48:03AM  
16 Paradiso, Chief Paradiso might have put out 10:48:06AM  
17 there that he referred -- preferred that guys 10:48:08AM  
18 didn't drink in the village off duty. 10:48:14AM  
19 **Q When did he put that out there?** 10:48:16AM  
20 A I don't recall. You know, that was 10:48:17AM  
21 like a give-and-take type thing over the many 10:48:19AM  
22 years I've been there. 10:48:21AM  
23 **Q When do you recall him actually** 10:48:23AM  
24 **putting it out there, though, what years?** 10:48:25AM  
25 A I don't recall which years. 10:48:28AM  
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1 **GEORGE HESSE**  
2 **Q If you look at -- strike that.** 10:46:33AM  
3 **Before you look at the next section** 10:46:36AM  
4 **I'll ask you to look at.** 10:46:37AM  
5 **Did Ocean Beach Police Department or** 10:46:39AM  
6 **the village have a policy with respect to** 10:46:41AM  
7 **officers drinking on duty?** 10:46:45AM  
8 MR. NOVIKOFF: Form. Foundation. 10:46:47AM  
9 A Repeat that question. 10:46:48AM  
10 **Q Yeah. Did the Ocean Beach Police** 10:46:50AM  
11 **Department or the village have any policy with** 10:46:51AM  
12 **respect to officers drinking while on duty?** 10:46:55AM  
13 MR. NOVIKOFF: Objection. Same. 10:46:58AM  
14 A No policy. 10:46:59AM  
15 **Q No policy?** 10:47:00AM  
16 A Nothing writing -- in writing. 10:47:01AM  
17 **Q Do you know whether the police** 10:47:05AM  
18 **department had any policy -- the police** 10:47:06AM  
19 **department or the village had any policy with** 10:47:08AM  
20 **respect to off-duty police officers drinking in** 10:47:11AM  
21 **Ocean Beach?** 10:47:16AM  
22 MR. NOVIKOFF: Objection. 10:47:16AM  
23 A Nothing formal. 10:47:17AM  
24 **Q So you don't recall any directives** 10:47:19AM  
25 **ever being posted with respect to officers who** 10:47:20AM  
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1 **GEORGE HESSE**  
2 **Q When you say give and take, what did** 10:48:29AM  
3 **you mean by that?** 10:48:30AM  
4 A When I first started there, there was 10:48:34AM  
5 a policy that we were not supposed to be 10:48:36AM  
6 drinking in the bars after we got off duty; but 10:48:38AM  
7 then, I guess Ed Paradiso had lightened up on 10:48:45AM  
8 that, and that was that. 10:48:49AM  
9 **Q What do you mean by Ed Paradiso** 10:48:52AM  
10 **lightened up on that?** 10:48:53AM  
11 A You know, because guys would go out 10:48:54AM  
12 for drinks after work. You know, we were a 10:48:56AM  
13 little more mature, a little more adult than 10:48:59AM  
14 police officers that they had there in the past 10:49:00AM  
15 that worked there that couldn't control 10:49:01AM  
16 themselves. And, you know, he would join us 10:49:03AM  
17 sometimes, so... 10:49:07AM  
18 **Q When did he lighten up on it?** 10:49:09AM  
19 A Probably around '95. 10:49:12AM  
20 **Q Did he ever get harder on that policy** 10:49:16AM  
21 **and reinstate it?** 10:49:21AM  
22 A Not that I recall. 10:49:23AM  
23 **Q So from '95 until his last day of** 10:49:25AM  
24 **employment at the beach, you don't recall him** 10:49:28AM  
25 **ever verbally telling police officers that he** 10:49:30AM  
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1 **GEORGE HESSE**  
2 **preferred that they not go out and drink in the 10:49:35AM**  
3 **bars off duty? 10:49:38AM**  
4 MR. NOVIKOFF: Objection. Form. 10:49:39AM  
5 A I don't recall any. 10:49:40AM  
6 **Q Do you recall Paradiso ever expressing 10:49:41AM**  
7 **that preference or policy when the Bosettis were 10:49:47AM**  
8 **working? 10:49:50AM**  
9 MR. NOVIKOFF: Objection. 10:49:52AM  
10 A I don't recall that. 10:49:53AM  
11 **Q Did you ever hear him tell the 10:49:54AM**  
12 **Bosettis that they shouldn't be going drinking 10:49:56AM**  
13 **in bars in Ocean Beach when they're off duty? 10:49:59AM**  
14 A I've never heard him tell them that. 10:50:02AM  
15 **Q Did you ever tell the Bosettis that? 10:50:04AM**  
16 A I don't recall if I did. 10:50:06AM  
17 **Q Did you ever have a policy with 10:50:07AM**  
18 **respect to -- a verbal policy with respect to 10:50:08AM**  
19 **officers drinking in Ocean Beach while they're 10:50:12AM**  
20 **off duty? 10:50:15AM**  
21 A I never had a policy, no. 10:50:16AM  
22 **Q Did you ever have a policy with 10:50:18AM**  
23 **respect to officers drinking while they're on 10:50:20AM**  
24 **duty, a verbal policy? 10:50:23AM**  
25 MR. NOVIKOFF: Objection. 10:50:25AM  
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1 **GEORGE HESSE**  
2 **cover directive? If I use directly, it will 10:51:15AM**  
3 **cover policy? 10:51:15AM**  
4 MR. NOVIKOFF: Objection. 10:51:16AM  
5 A Actually, they can mean two different 10:51:17AM  
6 things. 10:51:19AM  
7 **Q Did you ever have any alcoholic 10:51:27AM**  
8 **beverages while on duty? 10:51:28AM**  
9 A No. 10:51:30AM  
10 **Q Did you ever have any alcoholic 10:51:31AM**  
11 **beverages while in uniform? 10:51:33AM**  
12 A Yes. 10:51:35AM  
13 **Q How many times? 10:51:35AM**  
14 A I'd say in the range of six times. 10:51:44AM  
15 **Q Where were you during those six times? 10:51:47AM**  
16 A At least three times in the parade in 10:51:51AM  
17 New York City for St. Patty's Day, and I think 10:51:54AM  
18 the other three were funerals. 10:51:59AM  
19 **Q Did you ever have an alcoholic 10:52:05AM**  
20 **beverage in the station? 10:52:07AM**  
21 A Yes. 10:52:08AM  
22 **Q While in uniform? 10:52:08AM**  
23 A No. 10:52:10AM  
24 **Q While on duty? 10:52:11AM**  
25 A No. 10:52:12AM  
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1 **GEORGE HESSE**  
2 A I would've liked to think that they 10:50:31AM  
3 wouldn't do that. I don't know of any policy 10:50:33AM  
4 that was out there. 10:50:36AM  
5 **Q Did you ever speak to anybody or 10:50:37AM**  
6 **discuss that issue with anybody, any officers? 10:50:39AM**  
7 A About drinking on duty? 10:50:41AM  
8 **Q Yes. 10:50:43AM**  
9 A I don't recall any conversation of 10:50:43AM  
10 such. 10:50:45AM  
11 **Q Do you ever recall any directives 10:50:49AM**  
12 **being posted regarding drinking at the bars, 10:50:51AM**  
13 **whether on duty or off duty? 10:50:54AM**  
14 A I don't recall any policies that were 10:50:56AM  
15 posted. 10:50:58AM  
16 **Q I asked for directive. Are you using 10:51:01AM**  
17 **the term "policy" interchange- -- 10:51:03AM**  
18 A Policy or directive. I understand 10:51:06AM  
19 what you're saying. No, not that I recall any 10:51:06AM  
20 being posted. 10:51:08AM  
21 **Q But just to be clear, those two terms 10:51:09AM**  
22 **are interchangeable, a directive and a policy? 10:51:09AM**  
23 MR. NOVIKOFF: Objection. 10:51:12AM  
24 BY MR. GOODSTADT: 10:51:12AM  
25 **Q So if I use policy, that's going to 10:51:13AM**  
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1 **GEORGE HESSE**  
2 **Q What alcoholic beverages have you had 10:52:14AM**  
3 **in the station? 10:52:16AM**  
4 A I've had a beer, and I had something 10:52:17AM  
5 called a rocket fuel once or twice. 10:52:22AM  
6 **Q Any other alcoholic beverages that you 10:52:29AM**  
7 **drank in the station? 10:52:32AM**  
8 A No, not that I recall. 10:52:33AM  
9 **Q Were you in uniform those times in the 10:52:34AM**  
10 **station? 10:52:36AM**  
11 MR. NOVIKOFF: Objection. Asked and 10:52:36AM  
12 answered. 10:52:37AM  
13 A No. 10:52:38AM  
14 **Q When did you have the rocket fuels in 10:52:39AM**  
15 **the station? What years were they? 10:52:41AM**  
16 A 2005, 2004. Maybe 2003. 10:52:47AM  
17 **Q Where did you get the rocket fuels 10:52:55AM**  
18 **from? 10:52:57AM**  
19 A A bar called CJ's. 10:52:57AM  
20 **Q Did they deliver them? Someone picked 10:53:03AM**  
21 **them up? How did they get to the station? 10:53:05AM**  
22 A On occasion, sometimes they would just 10:53:09AM  
23 deliver them at the end of -- the close of the 10:53:11AM  
24 bar. 10:53:13AM  
25 **Q Who would deliver them? 10:53:15AM**  
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1 **GEORGE HESSE**  
2 A One of the barbacks. 10:53:16AM  
3 **Q What was the name? 10:53:18AM**  
4 A I believe one of the kids was Brian, 10:53:21AM  
5 and another one -- another kid had the name of 10:53:24AM  
6 Paul. 10:53:30AM  
7 **Q Paul Conway? 10:53:31AM**  
8 A If that's his last name. I don't 10:53:33AM  
9 know. 10:53:34AM  
10 **Q Do you know Brian's last name? 10:53:36AM**  
11 A Esop. 10:53:38AM  
12 **Q Did they charge you for the rocket 10:53:43AM**  
13 **fuels? 10:53:45AM**  
14 A Sometimes. 10:53:45AM  
15 **Q But sometimes they didn't? 10:53:46AM**  
16 A Right. 10:53:48AM  
17 **Q Who else drank rocket fuels with you 10:53:49AM**  
18 **in the police station? 10:53:51AM**  
19 A Let's see. I guess when we were 10:53:54AM  
20 getting off duty, Dave Gurden. Who else? You 10:53:56AM  
21 know, I don't recall anybody else because it 10:54:05AM  
22 wasn't a very popular drink. 10:54:08AM  
23 **Q Do you recall Gary Bosetti drinking 10:54:13AM**  
24 **rocket fuel at the station? 10:54:15AM**  
25 A No, I don't recall any. 10:54:16AM  
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1 **GEORGE HESSE**  
2 **Moeller got into a car accident right after 10:54:59AM**  
3 **leaving the beach? 10:55:03AM**  
4 A Yes. 10:55:04AM  
5 **Q Do you recall what year that was? 10:55:05AM**  
6 A Was it 2004? No, it couldn't have 10:55:13AM  
7 been 2004. Maybe 2006. 10:55:17AM  
8 **Q How long after his tour was the 10:55:27AM**  
9 **accident? 10:55:30AM**  
10 A Maybe a half hour. 10:55:32AM  
11 **Q And you were called to the scene? 10:55:37AM**  
12 A I got a phone call, yes. 10:55:39AM  
13 **Q Who called you? 10:55:41AM**  
14 A It might have been Walter Moeller 10:55:44AM  
15 himself. 10:55:46AM  
16 **Q Do you know why he called you? 10:55:47AM**  
17 A He said he was just in a car accident. 10:55:49AM  
18 And he couldn't find his shield; and he had his 10:55:51AM  
19 weapon on him, and he was going to the hospital. 10:55:58AM  
20 So he wanted me to come down and secure it. 10:56:01AM  
21 **Q So you went -- did you go to the scene 10:56:04AM**  
22 **of the accident? 10:56:05AM**  
23 A I went right to the scene, yes. 10:56:05AM  
24 **Q Where was the accident? 10:56:07AM**  
25 A It was at the corner of, I believe, 10:56:09AM  
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1 **GEORGE HESSE**  
2 **Q How about Rich Bosetti? 10:54:17AM**  
3 A I don't recall. 10:54:19AM  
4 **Q Ty Bacon? 10:54:20AM**  
5 A No. 10:54:21AM  
6 **Q No, you don't recall or you definitely 10:54:23AM**  
7 **did not see him? 10:54:25AM**  
8 A I've never seen him drink. 10:54:26AM  
9 **Q At any point, you've never seen him 10:54:28AM**  
10 **drink? 10:54:30AM**  
11 A Yeah, you know what, yeah, you're 10:54:30AM  
12 right. At a party, I've seen him have a beer or 10:54:32AM  
13 something, but not in the station house, no. 10:54:35AM  
14 **Q How about Walter Moeller, did you ever 10:54:37AM**  
15 **see him drink a rocket fuel in the station? 10:54:40AM**  
16 A No. 10:54:42AM  
17 **Q Did you ever see him drink in the 10:54:43AM**  
18 **station? 10:54:44AM**  
19 A No. 10:54:44AM  
20 **Q Did you ever see him drink on duty? 10:54:45AM**  
21 A No. 10:54:47AM  
22 **Q Do you know whether he's ever drank on 10:54:50AM**  
23 **duty? 10:54:52AM**  
24 A I don't know. 10:54:53AM  
25 **Q Did there ever come a time where 10:54:56AM**  
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1 **GEORGE HESSE**  
2 Fifth Avenue and Montauk Highway, in front of 10:56:11AM  
3 St. Pat's church. 10:56:15AM  
4 **Q Was anyone injured in the accident? 10:56:16AM**  
5 A Just him. 10:56:18AM  
6 **Q And did you take his weapon from him? 10:56:19AM**  
7 A Yes, I did. 10:56:21AM  
8 **Q Did you ever find his shield? 10:56:22AM**  
9 A Yes, I did. 10:56:24AM  
10 **Q Was Walter Moeller drinking prior to 10:56:26AM**  
11 **that accident? 10:56:29AM**  
12 A No, not that I know of. 10:56:30AM  
13 **Q Did you ever see the PCR -- do you 10:56:32AM**  
14 **know what a PCR is? 10:56:34AM**  
15 A Yes. 10:56:37AM  
16 **Q What is a PCR? 10:56:37AM**  
17 A A pre-hospital care report. 10:56:40AM  
18 **Q Did you ever see the PCR with respect 10:56:41AM**  
19 **to that accident? 10:56:41AM**  
20 A No. 10:56:42AM  
21 **Q So you don't know one way or the other 10:56:41AM**  
22 **whether the PCR indicated that he had alcohol on 10:56:42AM**  
23 **his breath? 10:56:44AM**  
24 A I have no idea. 10:56:45AM  
25 **Q Have you ever seen any officers in 10:57:01AM**  
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1 **GEORGE HESSE**  
2 **Ocean Beach drink while they're on duty? 10:57:03AM**  
3 A No. 10:57:05AM  
4 **Q Has anybody ever complained to you 10:57:10AM**  
5 **that other officers were drinking while they 10:57:12AM**  
6 **were on duty? 10:57:14AM**  
7 A Never. 10:57:15AM  
8 **Q Is it true that Ed Carter complained 10:57:20AM**  
9 **to you that he had to get the cell phone from 10:57:22AM**  
10 **the Bosettis in CJ's? 10:57:26AM**  
11 A Never. 10:57:28AM  
12 **Q Did you ever see Arnold Hardman drink 10:57:31AM**  
13 **the rocket fuel? 10:57:34AM**  
14 MR. NOVIKOFF: Objection. Asked and 10:57:36AM  
15 answered. 10:57:37AM  
16 A Arnold Hardman? Not that I recall, 10:57:38AM  
17 no. 10:57:40AM  
18 **Q Did you ever see Hardman drink while 10:57:42AM**  
19 **he was on duty? 10:57:44AM**  
20 A Never. 10:57:45AM  
21 **Q Would you agree that if officers were 10:57:50AM**  
22 **drinking on duty, it would pose a public safety 10:57:53AM**  
23 **threat? 10:57:56AM**  
24 MR. NOVIKOFF: Objection. 10:57:57AM  
25 MR. CONNOLLY: Objection. 10:57:57AM  
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1 **GEORGE HESSE**  
2 **that it would be a public safety threat if 10:58:57AM**  
3 **officers were drinking in the bars while on duty 10:59:01AM**  
4 **instead of patrolling the village? 10:59:02AM**  
5 MR. NOVIKOFF: Objection. 10:59:03AM  
6 A In my opinion, yes. 10:59:03AM  
7 **Q Do you think it would -- strike that. 10:59:10AM**  
8 **Do you think it undermines police 10:59:12AM**  
9 **officers' authority to be drinking off duty in 10:59:15AM**  
10 **the bars in Ocean Beach? 10:59:19AM**  
11 MR. NOVIKOFF: Objection. 10:59:20AM  
12 A Undermines your authority? I don't 10:59:25AM  
13 think so, no. 10:59:26AM  
14 **Q You don't think there's a public 10:59:27AM**  
15 **perception problem if officers off duty are 10:59:29AM**  
16 **drinking in the bars that they are required to 10:59:34AM**  
17 **patrol on duty? 10:59:39AM**  
18 MR. NOVIKOFF: Objection. 10:59:41AM  
19 MR. CONNOLLY: Objection. 10:59:41AM  
20 A You're asking me to -- 10:59:42AM  
21 **Q I'm asking your opinion on that. 10:59:44AM**  
22 A Yeah, I don't know. 10:59:46AM  
23 MR. NOVIKOFF: Which is pantingly 10:59:49AM  
24 irrelevant. 10:59:52AM  
25 What was your answer? 10:59:55AM  
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1 **GEORGE HESSE**  
2 A I do, in my opinion, yes. 10:57:58AM  
3 **Q What public safety threat would it 10:58:03AM**  
4 **pose? 10:58:05AM**  
5 MR. NOVIKOFF: Objection. 10:58:05AM  
6 A It would severely hinder your 10:58:09AM  
7 judgment, I think, to many respects on the job. 10:58:12AM  
8 **Q It would be a public safety threat if 10:58:16AM**  
9 **officers were drinking on duty and they were 10:58:19AM**  
10 **carrying a weapon? 10:58:21AM**  
11 MR. NOVIKOFF: Objection. 10:58:22AM  
12 A Yes. 10:58:23AM  
13 **Q Would it pose a public safety threat 10:58:27AM**  
14 **if officers on duty were in the bars instead of 10:58:30AM**  
15 **patrolling the neighborhood? 10:58:33AM**  
16 MR. NOVIKOFF: Objection. How about 10:58:35AM  
17 if they were in the bars performing -- 10:58:41AM  
18 MR. GOODSTADT: In the bars drinking. 10:58:43AM  
19 MR. NOVIKOFF: You didn't ask that. 10:58:45AM  
20 In the bars drinking off duty? 10:58:46AM  
21 MR. GOODSTADT: No, on duty. 10:58:49AM  
22 MR. NOVIKOFF: Oh, okay. 10:58:51AM  
23 A You might as well repeat the entire 10:58:52AM  
24 question. 10:58:55AM  
25 **Q The question is: Do you agree with me 10:58:55AM**  
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1 **GEORGE HESSE**  
2 THE WITNESS: I have no idea if it 10:59:56AM  
3 would. 10:59:57AM  
4 MR. NOVIKOFF: Me either. 10:59:58AM  
5 MR. GOODSTADT: Luckily you're not the 11:00:01AM  
6 witness today. 11:00:02AM  
7 BY MR. GOODSTADT: 11:00:03AM  
8 **Q Isn't it true that Tommy Snyder 11:00:03AM**  
9 **complained to you that the Bosettis took the 11:00:06AM**  
10 **cell phone from him and went to the bars while 11:00:08AM**  
11 **they were on duty? 11:00:10AM**  
12 MR. NOVIKOFF: Objection. Leading. 11:00:13AM  
13 A He never complained to me. 11:00:14AM  
14 **Q He never complained to you about 11:00:16AM**  
15 **anything or just about that issue? 11:00:19AM**  
16 A Never. 11:00:20AM  
17 MR. NOVIKOFF: Your question was any 11:00:21AM  
18 issue -- 11:00:22AM  
19 MR. GOODSTADT: I was going to ask him 11:00:22AM  
20 if he meant just about that issue or any 11:00:22AM  
21 issue. 11:00:22AM  
22 MR. CONNOLLY: Well, it wasn't 11:00:23AM  
23 responsive to your question. 11:00:24AM  
24 MR. GOODSTADT: And that's why I was 11:00:25AM  
25 asking him to clarify. 11:00:26AM  
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1 GEORGE HESSE  
2 A Repeat the question. 11:00:28AM  
3 Q Sure. 11:00:29AM  
4 You said he never complained to me. 11:00:31AM  
5 My question -- my follow-up question was he 11:00:33AM  
6 never complained to you about that issue or he 11:00:34AM  
7 never complained to you about anything? 11:00:36AM  
8 A I gotta say, he's never complained to 11:00:38AM  
9 me about anything. Specifically that issue. 11:00:40AM  
10 Q Would you agree with me that if 11:00:50AM  
11 officers took the police cell phone into a bar 11:00:52AM  
12 and were not answering the cell phone, that it 11:00:56AM  
13 would pose a public safety threat? 11:00:59AM  
14 MR. NOVIKOFF: Objection. 11:01:02AM  
15 A I could speculate, yeah, it would be 11:01:02AM  
16 an issue. 11:01:04AM  
17 Q Is it your testimony that Snyder never 11:01:10AM  
18 complained to you that there were messages that 11:01:14AM  
19 went unanswered on the cell phone when the 11:01:17AM  
20 Bosettis returned the cell phone back to him? 11:01:20AM  
21 MR. CONNOLLY: Objection. 11:01:23AM  
22 MR. NOVIKOFF: Objection. You didn't 11:01:23AM  
23 answer ask him that question, so how could 11:01:25AM  
24 it be his testimony. 11:01:27AM  
25 MR. GOODSTADT: He said he never 11:01:28AM  
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1 GEORGE HESSE  
2 A No. 11:02:27AM  
3 Q Did Ed Carter ever complain about 11:02:30AM  
4 officers drinking rocket fuel in the station? 11:02:32AM  
5 A No. 11:02:34AM  
6 Q Did Ed Carter ever complain that he 11:02:34AM  
7 was required to clean up after officers who were 11:02:36AM  
8 drinking rocket fuels in the station? 11:02:39AM  
9 A Never. 11:02:41AM  
10 Q Did anyone ever complain to you that 11:02:49AM  
11 officers left dock masters in the station to 11:02:51AM  
12 cover their shifts while they went out to the 11:02:54AM  
13 bars? 11:02:57AM  
14 A Never. 11:02:57AM  
15 Q Did Joe Nofi complain to you that dock 11:03:09AM  
16 masters were covering for officers? 11:03:13AM  
17 A Never. 11:03:15AM  
18 Q Would you agree with me that it would 11:03:17AM  
19 be inappropriate for dock masters to be covering 11:03:18AM  
20 police officers' shifts? 11:03:22AM  
21 MR. NOVIKOFF: Objection. Form. 11:03:24AM  
22 MR. CONNOLLY: What do you mean? 11:03:26AM  
23 Define "shift." 11:03:28AM  
24 MR. NOVIKOFF: Define "appropriate." 11:03:30AM  
25  
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1 GEORGE HESSE  
2 complained to him. 11:01:30AM  
3 MR. NOVIKOFF: Well, then that would 11:01:31AM  
4 cover everything. Objection to the form. 11:01:31AM  
5 A I don't recall anything of that nature 11:01:33AM  
6 at all. 11:01:35AM  
7 Q Is it true that Frank Fiorillo 11:01:42AM  
8 complained to you that he had to relieve the 11:01:44AM  
9 Bosettis on the next tour in the bar? 11:01:46AM  
10 MR. NOVIKOFF: Objection. Form. 11:01:49AM  
11 Leading. 11:01:50AM  
12 A No. 11:01:51AM  
13 Q Isn't it true that Ed Carter 11:01:54AM  
14 complained about that as well? 11:01:55AM  
15 MR. NOVIKOFF: Objection. Form. 11:01:57AM  
16 A No. 11:01:58AM  
17 Q Did any of the plaintiffs in this case 11:02:01AM  
18 ever complain to you about officers drinking in 11:02:03AM  
19 the bars in Ocean Beach? 11:02:05AM  
20 MR. NOVIKOFF: Objection. Asked and 11:02:07AM  
21 answered. 11:02:07AM  
22 A No. 11:02:09AM  
23 Q Did Ed Carter ever complain to you 11:02:22AM  
24 about officers bringing alcohol into the 11:02:24AM  
25 station? 11:02:26AM  
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1 GEORGE HESSE  
2 BY MR. GOODSTADT: 11:03:31AM  
3 Q To cover for them while they were -- 11:03:32AM  
4 you know, while they were supposed to be on 11:03:34AM  
5 duty? 11:03:36AM  
6 MR. NOVIKOFF: Objection. 11:03:37AM  
7 A To what respect? You know, a dock 11:03:38AM  
8 master is not a police officer. He can't cover 11:03:41AM  
9 the shift. 11:03:44AM  
10 Q So it would be inappropriate for a 11:03:45AM  
11 dock master to cover a police shift, right? 11:03:46AM  
12 A Yeah. 11:03:49AM  
13 MR. NOVIKOFF: Objection. 11:03:50AM  
14 BY MR. GOODSTADT: 11:03:50AM  
15 Q Is it appropriate to dispatch as a 11:04:03AM  
16 dock master? 11:04:09AM  
17 A Was it appropriate? 11:04:11AM  
18 Q Yes. 11:04:12AM  
19 MR. NOVIKOFF: Objection. 11:04:13AM  
20 A It was only used in extreme 11:04:15AM  
21 situations. 11:04:17AM  
22 Q How about in -- well, what do you mean 11:04:18AM  
23 by in extreme situations? 11:04:20AM  
24 A Whereas if we were shorthanded or 11:04:23AM  
25 something on the street and we had a police 11:04:24AM  
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1 GEORGE HESSE  
2 officer sitting on the desk and something, an 11:04:27AM  
3 incident occurred in the street that required 11:04:29AM  
4 some extra assistance, we would call the dock 11:04:30AM  
5 master in to answer the phones. 11:04:33AM  
6 **Q How about outside of that extreme 11:04:35AM**  
7 **situation, would it be appropriate for a dock 11:04:37AM**  
8 **master to dispatch? 11:04:39AM**  
9 MR. NOVIKOFF: Objection. 11:04:41AM  
10 A It was used on occasion just so it 11:04:43AM  
11 could free up a police officer. 11:04:45AM  
12 **Q In case of an emergency? 11:04:47AM**  
13 A Most of the time, yes. 11:04:49AM  
14 **Q How about outside of an emergency? 11:04:51AM**  
15 A Not that I recall any. 11:04:53AM  
16 **Q But I'm asking whether it would be 11:04:54AM**  
17 **appropriate -- 11:04:56AM**  
18 MR. NOVIKOFF: Objection. 11:04:56AM  
19 BY MR. GOODSTADT: 11:04:57AM  
20 **Q -- to have a dock master dispatch 11:04:57AM**  
21 **outside of an emergency. 11:04:59AM**  
22 MR. NOVIKOFF: Objection. 11:05:02AM  
23 A It's tough answering the phones. It 11:05:03AM  
24 really didn't matter. 11:05:05AM  
25 **Q What do you mean? 11:05:06AM**  
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1 GEORGE HESSE  
2 **officers drinking whether it was in the bars or 11:06:01AM**  
3 **the station or anywhere else? 11:06:04AM**  
4 A He never complained to me about that 11:06:05AM  
5 stuff, no. 11:06:07AM  
6 **Q Did any officers ever drink while off 11:06:11AM**  
7 **duty prior to going on shift? 11:06:15AM**  
8 MR. NOVIKOFF: Objection. Foundation. 11:06:18AM  
9 A I don't know. 11:06:20AM  
10 **Q So you're not aware of any officers 11:06:21AM**  
11 **drinking in the bar and then going on the eight 11:06:22AM**  
12 **to four? 11:06:24AM**  
13 MR. NOVIKOFF: Note my objection. 11:06:25AM  
14 A No. 11:06:26AM  
15 MR. NOVIKOFF: Unless he's present or 11:06:28AM  
16 was told, I don't know how he would answer 11:06:29AM  
17 that question. 11:06:31AM  
18 MR. GOODSTADT: Maybe he was answered 11:06:32AM  
19 or told. 11:06:35AM  
20 MR. NOVIKOFF: Ask that question. 11:06:37AM  
21 That's my objection. 11:06:37AM  
22 MR. GOODSTADT: If he's aware of it, 11:06:37AM  
23 that would be a way he's aware of it. Maybe 11:06:37AM  
24 he's aware of it some other way. I want to 11:06:37AM  
25 know if he's aware of it. 11:06:40AM  
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1 GEORGE HESSE  
2 A Just somebody answering the phones. 11:05:08AM  
3 **Q A dock master is trained to dispatch? 11:05:10AM**  
4 A No. 11:05:14AM  
5 **Q A dock master is certified by Civil 11:05:15AM**  
6 **Service to be on a dispatch position? 11:05:18AM**  
7 A I don't think there's really a 11:05:22AM  
8 certification for it, but no. 11:05:23AM  
9 **Q Did Carter complain to you Labor Day 11:05:31AM**  
10 **weekend 2005 that officers were drinking in the 11:05:34AM**  
11 **bar? 11:05:37AM**  
12 A Did he complain? I don't recall any 11:05:39AM  
13 complaint, no. 11:05:41AM  
14 MR. NOVIKOFF: I'm sorry, what 11:05:42AM  
15 weekend? 11:05:43AM  
16 MR. GOODSTADT: Labor Day 2005. 11:05:44AM  
17 MR. NOVIKOFF: Okay. 11:05:47AM  
18 BY MR. GOODSTADT: 11:05:47AM  
19 **Q Did Kevin Lamm ever complain to you 11:05:52AM**  
20 **that officers were drinking in the bar? 11:05:54AM**  
21 MR. NOVIKOFF: Objection. Asked and 11:05:57AM  
22 answered. 11:05:58AM  
23 MR. CONNOLLY: Objection. 11:05:58AM  
24 A No. 11:05:59AM  
25 **Q Did Lamm ever complain to you about 11:05:59AM**  
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1 GEORGE HESSE  
2 BY MR. GOODSTADT: 11:06:42AM  
3 **Q Did anyone ever complain to you about 11:06:42AM**  
4 **officers drinking in bars and then going on the 11:06:44AM**  
5 **eight-to-four shift? 11:06:48AM**  
6 A Never. 11:06:49AM  
7 MR. NOVIKOFF: Eight to four would 11:06:51AM  
8 just be eight at night to four in the 11:06:52AM  
9 morning, right? 11:06:55AM  
10 MR. GOODSTADT: Eight in the 11:06:56AM  
11 morning till -- who were drinking at night, 11:06:56AM  
12 getting on the eight in the morning shift 11:06:58AM  
13 and getting on tour. 11:07:00AM  
14 MR. NOVIKOFF: Got it. Okay. I just 11:07:01AM  
15 wanted to clarify. 11:07:01AM  
16 MR. CONNOLLY: Why don't we reask the 11:07:01AM  
17 question. 11:07:03AM  
18 BY MR. GOODSTADT: 11:07:03AM  
19 **Q Did anyone ever complain to you that 11:07:04AM**  
20 **officers were going out and drinking and then 11:07:07AM**  
21 **working the 8 a.m. to 4 p.m. shift? 11:07:08AM**  
22 A No. 11:07:11AM  
23 **Q What was done with beer that was 11:07:16AM**  
24 **confiscated at Ocean Beach? 11:07:19AM**  
25 A What was done with it? Most of the 11:07:22AM  
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1 GEORGE HESSE  
2 time it would just sit -- it depended on how 11:07:25AM  
3 much was taken, I guess, but most of the time it 11:07:28AM  
4 would just sit in the station house. 11:07:31AM  
5 **Q Was there a process by which the beer 11:07:33AM**  
6 **would have to be either, you know, memorialized 11:07:36AM**  
7 **that beer had been taken or any evidence or 11:07:44AM**  
8 **anything else that would have to be done with 11:07:47AM**  
9 **the beer? 11:07:49AM**  
10 MR. NOVIKOFF: Object to the form. 11:07:50AM  
11 MR. CONNOLLY: Objection to form. 11:07:52AM  
12 A I don't think there was anything in 11:07:53AM  
13 place that really said what we had to do with 11:07:55AM  
14 it. 11:07:58AM  
15 **Q Was it appropriate for officers to 11:08:00AM**  
16 **drink beer that was confiscated? 11:08:01AM**  
17 A Sometimes we did. 11:08:04AM  
18 **Q So you've drank beer that was 11:08:06AM**  
19 **confiscated? 11:08:08AM**  
20 A Stuff that was in the refrigerator, I 11:08:09AM  
21 didn't know if it was confiscated or not. 11:08:11AM  
22 **Q If it was confiscated, would it be 11:08:14AM**  
23 **appropriate to drink that beer? 11:08:17AM**  
24 MR. NOVIKOFF: Objection to form. 11:08:19AM  
25 A It was disposed of. 11:08:19AM  
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1 GEORGE HESSE  
2 **was confiscated? 11:09:04AM**  
3 A I believe I did, yeah. 11:09:06AM  
4 **Q Did you ever tell any of the 11:09:07AM**  
5 **plaintiffs what brands of beer to confiscate? 11:09:08AM**  
6 A No. 11:09:11AM  
7 **Q Do you know whether any officers told 11:09:11AM**  
8 **the plaintiffs what brands of beer to 11:09:13AM**  
9 **confiscate? 11:09:15AM**  
10 A No. 11:09:16AM  
11 **Q Have you ever disciplined or 11:09:24AM**  
12 **reprimanded any officers for drinking on duty? 11:09:26AM**  
13 MR. NOVIKOFF: Objection. 11:09:30AM  
14 A No. 11:09:31AM  
15 **Q Have you ever disciplined or 11:09:31AM**  
16 **reprimanded any officers for drinking off duty 11:09:33AM**  
17 **in Ocean Beach? 11:09:36AM**  
18 MR. NOVIKOFF: Objection. 11:09:38AM  
19 A Not that I recall any, no. 11:09:38AM  
20 **Q Did you ever tell officers that it was 11:09:44AM**  
21 **inappropriate to drink in the bars while off 11:09:47AM**  
22 **duty? 11:09:50AM**  
23 MR. NOVIKOFF: Objection. Form. 11:09:51AM  
24 Foundation. 11:09:52AM  
25 A I don't recall. I may have. I don't 11:09:53AM  
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1 GEORGE HESSE  
2 **Q That wasn't the question, sir. The 11:08:21AM**  
3 **question was whether it was appropriate to drink 11:08:23AM**  
4 **beer that was confiscated. 11:08:25AM**  
5 MR. NOVIKOFF: Objection to form. 11:08:28AM  
6 A I don't know if it was appropriate. 11:08:29AM  
7 **Q So as the chief of police, you don't 11:08:32AM**  
8 **have an opinion one way or the other? 11:08:34AM**  
9 A At that time? 11:08:38AM  
10 **Q Or as sergeant. As a sergeant of the 11:08:38AM**  
11 **Ocean Beach Police Department, you have no 11:08:40AM**  
12 **opinion or had no opinion one way or the other 11:08:42AM**  
13 **whether it was appropriate to drink beer that 11:08:47AM**  
14 **was confiscated? 11:08:49AM**  
15 MR. NOVIKOFF: Objection. 11:08:50AM  
16 A I don't think -- no. 11:08:51AM  
17 **Q It was not appropriate or it was 11:08:52AM**  
18 **appropriate? 11:08:54AM**  
19 MR. NOVIKOFF: You asked if he had an 11:08:55AM  
20 opinion, and he said no. 11:08:56AM  
21 BY MR. GOODSTADT: 11:08:57AM  
22 **Q So you don't have an opinion one way 11:08:58AM**  
23 **or the other? 11:09:00AM**  
24 A I really don't, no. 11:09:01AM  
25 **Q Did you ever drink beer that you knew 11:09:02AM**  
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1 GEORGE HESSE  
2 know. 11:09:55AM  
3 **Q What's in a rocket fuel? 11:10:06AM**  
4 A It's a souped-up pina colada. I 11:10:09AM  
5 believe it has -- it has some rum in it. It has 11:10:17AM  
6 151 rum in it, and I believe it's topped 11:10:20AM  
7 off with, I believe, amaretto. I'm not really 11:10:22AM  
8 sure. 11:10:26AM  
9 **Q Did you ever collect money from other 11:10:27AM**  
10 **officers to pay for the rocket fuels? 11:10:29AM**  
11 A Not that I recall. 11:10:31AM  
12 **Q Is there any policy in Ocean Beach or 11:10:36AM**  
13 **in the police department with respect to 11:10:39AM**  
14 **drinking alcohol in the police truck? 11:10:41AM**  
15 MR. NOVIKOFF: Objection. 11:10:44AM  
16 A No. 11:10:46AM  
17 **Q So it was okay for officers to drink 11:10:48AM**  
18 **in the police truck? 11:10:50AM**  
19 MR. NOVIKOFF: Objection. Is that a 11:10:52AM  
20 question or a statement? 11:10:54AM  
21 MR. GOODSTADT: I asked was it okay -- 11:10:56AM  
22 MR. NOVIKOFF: Well, objection to 11:10:58AM  
23 form. 11:10:59AM  
24 MR. GOODSTADT: -- for officers to 11:10:59AM  
25 drink in the police truck. 11:11:01AM  
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1 GEORGE HESSE  
2 MR. NOVIKOFF: Okay. 11:11:03AM  
3 A No. 11:11:03AM  
4 Q How about if they're off duty on their 11:11:04AM  
5 way to the lighthouse, would it be appropriate 11:11:07AM  
6 for an officer to have a drink in the police 11:11:09AM  
7 truck? 11:11:12AM  
8 MR. NOVIKOFF: Objection. 11:11:13AM  
9 A No, not really. 11:11:13AM  
10 Q Did you ever speak to any officers 11:11:14AM  
11 about that? 11:11:16AM  
12 A No. 11:11:16AM  
13 Q Any of the plaintiffs ever complain to 11:11:17AM  
14 you that officers were drinking in the police 11:11:18AM  
15 truck? 11:11:21AM  
16 A No. 11:11:21AM  
17 Q Any of the plaintiffs ever complain to 11:11:22AM  
18 you that they had to clean up the police truck 11:11:24AM  
19 with beer bottles, caps and other refuse from 11:11:27AM  
20 alcoholic beverages? 11:11:32AM  
21 A Never. 11:11:34AM  
22 Q Was it appropriate for police officers 11:11:37AM  
23 to drink in the barracks? 11:11:40AM  
24 MR. NOVIKOFF: Objection. 11:11:42AM  
25 A Yes. 11:11:44AM  
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1 GEORGE HESSE  
2 MR. NOVIKOFF: Objection. 11:12:20AM  
3 A My opinion is no. 11:12:20AM  
4 Q Were there any policies with respect 11:12:23AM  
5 to drinking before coming on duty? 11:12:25AM  
6 MR. NOVIKOFF: Note my objection. 11:12:29AM  
7 A There were no policies. 11:12:30AM  
8 Q If you turn to Hesse 10, Page 7 of the 11:12:31AM  
9 book, Bates Number 11. 11:12:40AM  
10 MR. NOVIKOFF: Okay. 11:12:42AM  
11 BY MR. GOODSTADT: 11:12:48AM  
12 Q Do you see under "substance abuse"? 11:12:49AM  
13 A Yes, I do. 11:12:51AM  
14 Q It says, "Incorporated Village of 11:12:52AM  
15 Ocean Beach will not tolerate any substance 11:12:56AM  
16 abuse on its premises. Any employee reporting 11:12:56AM  
17 for work under the influence of alcohol or 11:13:00AM  
18 controlled drugs will be asked to leave 11:13:03AM  
19 immediately." 11:13:06AM  
20 Do you see that? 11:13:06AM  
21 A Yes. 11:13:07AM  
22 Q Did you ever ask any officers who 11:13:07AM  
23 reported under the influence of alcohol to 11:13:09AM  
24 leave? 11:13:11AM  
25 MR. NOVIKOFF: Objection. Foundation. 11:13:12AM  
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1 GEORGE HESSE  
2 Q It was appropriate? 11:11:45AM  
3 A Sure. 11:11:46AM  
4 Q Is there any policy with respect to 11:11:48AM  
5 drinking in the barracks? 11:11:50AM  
6 MR. NOVIKOFF: Objection. 11:11:52AM  
7 A No. 11:11:52AM  
8 MR. CONNOLLY: Again, are we making a 11:11:53AM  
9 distinction between off duty and on duty? 11:11:55AM  
10 BY MR. GOODSTADT: 11:11:58AM  
11 Q Well, on duty, was it appropriate to 11:11:58AM  
12 drink in the barracks? 11:12:00AM  
13 A No. 11:12:01AM  
14 Q How about before your tour, was it 11:12:01AM  
15 appropriate to drink in the barracks? 11:12:04AM  
16 MR. NOVIKOFF: Objection. 11:12:06AM  
17 A I'd say no. 11:12:07AM  
18 MR. NOVIKOFF: When you say before 11:12:09AM  
19 tour, you mean within a few hours. 11:12:10AM  
20 MR. GOODSTADT: Yeah, within a few 11:12:12AM  
21 hours of your tour. 11:12:14AM  
22 BY MR. GOODSTADT: 11:12:15AM  
23 Q Was it appropriate to have any 11:12:15AM  
24 alcoholic beverages within a few hours of your 11:12:17AM  
25 tour? 11:12:19AM  
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1 GEORGE HESSE  
2 I don't think that he's testified that there 11:13:13AM  
3 were ever officers that reported under the 11:13:15AM  
4 influence. 11:13:16AM  
5 A Yeah, I believe I was asked that 11:13:18AM  
6 question, and no. 11:13:20AM  
7 MR. GOODSTADT: Could I just see that 11:13:35AM  
8 question back. 11:13:36AM  
9 BY MR. GOODSTADT: 11:13:46AM  
10 Q Did Tom Snyder ever complain to you 11:13:47AM  
11 that officers were coming out to the checkpoint 11:13:48AM  
12 late when he had to come in for his shift? 11:13:53AM  
13 A No. 11:13:57AM  
14 Q Were firearms kept in the barracks? 11:14:05AM  
15 A I believe sometimes, yes. 11:14:08AM  
16 Q Okay. So even though firearms were 11:14:11AM  
17 kept in the barracks, you thought it was 11:14:13AM  
18 appropriate for officers to drink in the 11:14:15AM  
19 barracks? 11:14:17AM  
20 MR. NOVIKOFF: Objection to the form 11:14:18AM  
21 of the question. 11:14:18AM  
22 A Sure. 11:14:19AM  
23 Q Did any of the plaintiffs ever 11:14:31AM  
24 complain to you that the barracks were unsecure? 11:14:33AM  
25 A Unsecure in what manner? 11:14:39AM  
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1 GEORGE HESSE  
2 **Q Door unlocked? 11:14:44AM**  
3 A Yeah, I believe I had one complaint. 11:14:47AM  
4 **Q Who complained about that? 11:14:50AM**  
5 A I think it was Nofi, Joe Nofi, Tom 11:14:52AM  
6 Snyder. I believe there was a dock master up 11:14:56AM  
7 there that left the door unlocked once. 11:14:58AM  
8 **Q When was that? 11:15:01AM**  
9 A I don't recall the year or time frame. 11:15:01AM  
10 **Q And it was Nofi and Snyder who 11:15:03AM**  
11 **complained? 11:15:05AM**  
12 A Yeah. I believe so, yeah. 11:15:06AM  
13 **Q What did they state in their 11:15:08AM**  
14 **complaint? 11:15:09AM**  
15 A I believe that they said Dock Master 11:15:09AM  
16 Hirsch, if I'm remembering his name correctly, 11:15:13AM  
17 may have left the door open or unlocked. 11:15:17AM  
18 **Q Did you do anything to discipline 11:15:22AM**  
19 **Hirsch in response to that complaint? 11:15:26AM**  
20 MR. NOVIKOFF: Objection to form. 11:15:28AM  
21 A I don't recall a conversation I had 11:15:30AM  
22 with him, but dock masters were banned from the 11:15:31AM  
23 barracks after that point. 11:15:34AM  
24 **Q So prior to that point, they weren't 11:15:36AM**  
25 **banned; after that point, they were banned? 11:15:39AM**  
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1 GEORGE HESSE  
2 A That's correct. 11:15:41AM  
3 **Q And banning them, was that in response 11:15:42AM**  
4 **to the complaint by Snyder and Nofi? 11:15:44AM**  
5 A Yes. 11:15:46AM  
6 **Q Did Carter ever complain to you about 11:15:46AM**  
7 **the barracks being unsecured? 11:15:48AM**  
8 A Not that I'm aware of, no. 11:15:50AM  
9 **Q Nofi and Snyder's complaint, was that 11:15:52AM**  
10 **in writing or verbal? 11:15:55AM**  
11 A I believe it was in writing. 11:15:57AM  
12 **Q And it's your testimony that Carter 11:15:59AM**  
13 **never complained about that? 11:16:00AM**  
14 A Not that I'm aware of, that I recall. 11:16:01AM  
15 MR. GOODSTADT: Let's mark this, 11:16:13AM  
16 please. 11:16:14AM  
17 (Whereupon, Bates document 2750 was 11:16:15AM  
18 marked as Plaintiff's Exhibit 11 for 11:16:15AM  
19 identification, as of this date.) 11:16:15AM  
20 MR. GOODSTADT: I've placed in front 11:16:48AM  
21 of Mr. Hesse what's been marked as Hesse 11. 11:16:49AM  
22 It is a one-page document bearing Bates 11:16:52AM  
23 Number 2750. (Handing.) 11:16:54AM  
24 BY MR. GOODSTADT: 11:16:57AM  
25 **Q Mr. Hesse, do you recognize this 11:16:57AM**  
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1 GEORGE HESSE  
2 **document marked as Hesse 11? 11:16:59AM**  
3 A Actually, I don't -- I recognize it, 11:17:01AM  
4 but I don't recall it. 11:17:02AM  
5 **Q What do you recognize this as? 11:17:05AM**  
6 A As an Ocean Beach Police Department 11:17:07AM  
7 internal correspondence, a 2042. 11:17:10AM  
8 **Q And this doesn't refresh your 11:17:14AM**  
9 **recollection as to whether Carter complained to 11:17:16AM**  
10 **you about the barracks being unsecure? 11:17:19AM**  
11 MR. CONNOLLY: Objection. 11:17:22AM  
12 MR. NOVIKOFF: Yeah. 11:17:24AM  
13 A Yeah, I don't recall this document. 11:17:25AM  
14 MR. CONNOLLY: Also, this appears to 11:17:31AM  
15 be a field report of some sort, not a 11:17:32AM  
16 complaint. 11:17:34AM  
17 MR. GOODSTADT: Okay. 11:17:36AM  
18 MR. NOVIKOFF: Well, I guess the 11:17:37AM  
19 definition of complaint is what we're going 11:17:38AM  
20 to be debating in the summary judgment 11:17:39AM  
21 motion. 11:17:41AM  
22 THE WITNESS: And it's not signed 11:17:42AM  
23 either. So I don't know where it came from. 11:17:44AM  
24 MR. NOVIKOFF: This establishes that 11:17:51AM  
25 they knew how to write complaints. 11:17:53AM  
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1 GEORGE HESSE  
2 BY MR. GOODSTADT: 11:18:05AM  
3 **Q Did you ever direct any of the 11:18:11AM**  
4 **plaintiffs to drive you on social visits in the 11:18:12AM**  
5 **village while you were on duty? 11:18:19AM**  
6 A No. 11:18:21AM  
7 **Q Did you ever direct plaintiffs to 11:18:22AM**  
8 **drive any off-duty officers while they were in 11:18:23AM**  
9 **the village? 11:18:27AM**  
10 MR. NOVIKOFF: Objection to form. 11:18:32AM  
11 A What? 11:18:32AM  
12 **Q Did you ever direct plaintiffs to 11:18:33AM**  
13 **drive any off-duty officers to the checkpoint? 11:18:35AM**  
14 A Yes. 11:18:38AM  
15 MR. NOVIKOFF: Objection to form. 11:18:39AM  
16 The answer was yes? 11:18:40AM  
17 THE WITNESS: Yes. 11:18:42AM  
18 BY MR. GOODSTADT: 11:18:43AM  
19 **Q While they were on duty, the 11:18:44AM**  
20 **plaintiffs? 11:18:45AM**  
21 MR. NOVIKOFF: Is the question did he 11:18:46AM  
22 ever direct plaintiffs while on duty to 11:18:46AM  
23 drive off-duty police officers to the 11:18:48AM  
24 checkpoint? 11:18:51AM  
25 MR. GOODSTADT: Yes. 11:18:51AM  
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1 GEORGE HESSE  
2 MR. NOVIKOFF: Objection to form. 11:18:53AM  
3 A I may have, yes. 11:18:53AM  
4 **Q Did you ever direct them to drive 11:18:55AM**  
5 **off-duty officers after they came out of the 11:18:56AM**  
6 **bars drinking to the checkpoint while the 11:19:00AM**  
7 **plaintiffs were on duty? 11:19:04AM**  
8 MR. NOVIKOFF: Objection to form and 11:19:06AM  
9 foundation. 11:19:06AM  
10 A I may have. 11:19:07AM  
11 **Q You don't recall one way or the other? 11:19:08AM**  
12 A Specifically, no. 11:19:10AM  
13 **Q Did plaintiffs ever complain to you 11:19:11AM**  
14 **about having to do that? 11:19:13AM**  
15 A No. 11:19:14AM  
16 **Q Plaintiffs ever complain to you that 11:19:14AM**  
17 **they were leaving the village short on officers 11:19:16AM**  
18 **when they had to drive out to the checkpoint to 11:19:18AM**  
19 **drive off-duty officers who had been drinking to 11:19:21AM**  
20 **the checkpoint? 11:19:23AM**  
21 A Never. 11:19:25AM  
22 **Q Did you ever direct Joe Nofi to take 11:19:30AM**  
23 **Walter Moeller, Walter Moeller's girlfriend and 11:19:33AM**  
24 **their dog to the checkpoint after they'd been 11:19:38AM**  
25 **drinking? 11:19:41AM**  
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1 GEORGE HESSE  
2 instead of taking one of my police officers and 11:20:45AM  
3 sending them on a -- you know, out of the 11:20:48AM  
4 village for a little while, I would let them 11:20:51AM  
5 wait until we were making our relief, and they 11:20:53AM  
6 could wait until our relief time. 11:20:56AM  
7 **Q What do you mean by "our relief time"? 11:20:58AM**  
8 A When guys were going off duty, they 11:21:01AM  
9 could wait for the officers who were driving off 11:21:03AM  
10 to go off duty. 11:21:07AM  
11 **Q And the request to require the police 11:21:11AM**  
12 **officers to wait until 5 a.m. to be driven off, 11:21:16AM**  
13 **it's your testimony that was in response to 11:21:20AM**  
14 **Carter complaining about having to drive 11:21:22AM**  
15 **intoxicated officers off duty -- 11:21:26AM**  
16 A No. 11:21:29AM  
17 **Q -- off the island? 11:21:29AM**  
18 A No. 11:21:32AM  
19 **Q It's your testimony that Carter on the 11:21:44AM**  
20 **July 4th weekend 2005 didn't complain to you 11:21:46AM**  
21 **about being required to chauffeur civilians 11:21:50AM**  
22 **around while he was on duty? 11:21:53AM**  
23 MR. NOVIKOFF: I don't know. I don't 11:21:55AM  
24 think he's testified to that around yet. 11:21:56AM  
25 Objection to form. 11:21:58AM  
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1 GEORGE HESSE  
2 A I don't recall that. 11:19:42AM  
3 MR. NOVIKOFF: Is the dog the problem? 11:19:47AM  
4 MR. GOODSTADT: No, it's leaving the 11:19:48AM  
5 village unsecure is the problem. 11:19:49AM  
6 MR. NOVIKOFF: Oh, okay. 11:19:52AM  
7 BY MR. GOODSTADT: 11:19:59AM  
8 **Q Did Ed Carter ever complain to you the 11:20:00AM**  
9 **village was left short of personnel when he was 11:20:02AM**  
10 **required to chauffeur intoxicated off-duty 11:20:05AM**  
11 **officers? 11:20:09AM**  
12 MR. NOVIKOFF: Objection -- no, no 11:20:10AM  
13 objection. 11:20:12AM  
14 A He's never complained, no. 11:20:13AM  
15 **Q Did you ever require off-duty officers 11:20:16AM**  
16 **to wait until 5 a.m. to be taken to the 11:20:23AM**  
17 **checkpoint? 11:20:28AM**  
18 A I have done that, yes. 11:20:28AM  
19 **Q When was -- strike that. 11:20:30AM**  
20 **Was that a policy that you instituted 11:20:32AM**  
21 **at some point? 11:20:34AM**  
22 A No. 11:20:35AM  
23 **Q And why did you require people to wait 11:20:36AM**  
24 **until 5 a.m. to be taken to the checkpoint? 11:20:39AM**  
25 A It may have been a busy night and 11:20:43AM  
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1 GEORGE HESSE  
2 A Chauffeur civilians around? I don't 11:22:01AM  
3 know what you're talking about. I don't recall 11:22:04AM  
4 that. 11:22:05AM  
5 **Q Did Carter ever complain to you that 11:22:05AM**  
6 **he was required to chauffeur civilians around 11:22:07AM**  
7 **and it left the village shorthanded? 11:22:07AM**  
8 MR. NOVIKOFF: Objection. Form. 11:22:10AM  
9 A No. 11:22:11AM  
10 **Q Did you ever put Carter on the back 11:22:12AM**  
11 **streets to patrol? 11:22:14AM**  
12 A I'm sure he's done that, yes. 11:22:16AM  
13 **Q Is being put on the back streets a 11:22:18AM**  
14 **form of discipline? 11:22:21AM**  
15 A No. 11:22:22AM  
16 **Q How do you determine who patrols the 11:22:27AM**  
17 **back streets? 11:22:30AM**  
18 A Sometimes I would ask for volunteers. 11:22:32AM  
19 **Q How else? 11:22:35AM**  
20 A Sometimes I would just post you there. 11:22:37AM  
21 **Q Was the back streets a less desirable 11:22:39AM**  
22 **post than the other areas of the village? 11:22:41AM**  
23 MR. CONNOLLY: Objection. 11:22:44AM  
24 A In my opinion, yeah. 11:22:45AM  
25 **Q Did you ever require Frank Fiorillo 11:22:50AM**  
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1 **GEORGE HESSE**  
2 **while he was on duty to drive you to Mitch 11:22:52AM**  
3 **Burns' house? 11:22:54AM**  
4 A Not that I recall. 11:22:55AM  
5 **Q Who's Mitch Burns? 11:22:56AM**  
6 A Just a homeowner in the village. 11:22:58AM  
7 **Q You're friends with Mr. Burns? 11:23:00AM**  
8 A I'm an acquaintance. 11:23:02AM  
9 **Q Have you ever been over his house? 11:23:03AM**  
10 A Yeah. 11:23:05AM  
11 **Q In the village? 11:23:06AM**  
12 A Yeah. 11:23:07AM  
13 **Q Where's his house located in the 11:23:08AM**  
14 **village? 11:23:10AM**  
15 A It's on Evergreen Walk. 11:23:10AM  
16 **Q How many times have you been to his 11:23:13AM**  
17 **house? 11:23:15AM**  
18 A A handful of times. 11:23:16AM  
19 **Q How many is a handful? 11:23:17AM**  
20 A Five, six times. I don't know. 11:23:19AM  
21 **Q Were any of those five or six times on 11:23:21AM**  
22 **police business? 11:23:23AM**  
23 A Yeah. 11:23:24AM  
24 **Q What did you go to his house on police 11:23:26AM**  
25 **business for? 11:23:28AM**  
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1 **GEORGE HESSE**  
2 A Couple times. 11:24:31AM  
3 **Q How many is a couple? 11:24:32AM**  
4 A Two, three times maybe. 11:24:34AM  
5 **Q And what were you at his house for on 11:24:37AM**  
6 **non-police business? 11:24:39AM**  
7 A My wife and I was invited over for a 11:24:41AM  
8 barbecue. 11:24:44AM  
9 **Q Two or three times? 11:24:45AM**  
10 A Yeah. 11:24:46AM  
11 **Q How about other than for a barbecue, 11:24:51AM**  
12 **have you ever been over his house on non-police 11:24:53AM**  
13 **business? 11:24:55AM**  
14 A Not that I recall. 11:24:56AM  
15 **Q Have you ever been to his apartment in 11:24:58AM**  
16 **Manhattan? 11:25:02AM**  
17 A Yes. 11:25:03AM  
18 **Q How many times? 11:25:04AM**  
19 A Once. 11:25:05AM  
20 **Q On police business or non-police 11:25:06AM**  
21 **business? 11:25:08AM**  
22 A Non-police business. 11:25:08AM  
23 **Q Where's his apartment in Manhattan 11:25:09AM**  
24 **that you've been to? 11:25:12AM**  
25 A I don't know the exact address. 11:25:13AM  
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1 **GEORGE HESSE**  
2 A I've been to his house for a noise 11:23:29AM  
3 complaint or two. 11:23:31AM  
4 **Q Did you ever issue him a summons? 11:23:32AM**  
5 A No. 11:23:34AM  
6 **Q Did you ever issue a noise complaint 11:23:38AM**  
7 **summons to anyone in the village? 11:23:40AM**  
8 A Oh, sure. 11:23:43AM  
9 **Q And why didn't you issue a summons to 11:23:44AM**  
10 **Mitch Burns for the couple times that you were 11:23:47AM**  
11 **called to his house for a noise violation? 11:23:49AM**  
12 A I don't think it required a summons. 11:23:52AM  
13 **Q What do you mean by that? 11:23:53AM**  
14 A It wasn't as loud as it would normally 11:23:55AM  
15 be to require a summons. 11:24:00AM  
16 **Q Is there a certain decibel level or 11:24:02AM**  
17 **something that requires a summons? 11:24:06AM**  
18 A You could judge it by that, but no. 11:24:08AM  
19 **Q Did you judge it that way? 11:24:10AM**  
20 A It's a matter of discretion. No, I 11:24:12AM  
21 didn't judge it by decibel levels. 11:24:15AM  
22 **Q Have you ever been at his house on 11:24:24AM**  
23 **non-police business? 11:24:26AM**  
24 A Yes. 11:24:28AM  
25 **Q How many times? 11:24:29AM**  
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1 **GEORGE HESSE**  
2 **Q Was it on the Upper East Side? 11:25:15AM**  
3 A It may have been. I don't know. 11:25:17AM  
4 **Q When were you at his apartment on 11:25:20AM**  
5 **non-police business? 11:25:22AM**  
6 A It was around Christmastime, God, I 11:25:24AM  
7 don't know, maybe 2003ish. 11:25:28AM  
8 **Q What were you at his apartment for? 11:25:31AM**  
9 A We were meeting he and his wife to go 11:25:33AM  
10 to a show and then to get drinks afterwards. 11:25:37AM  
11 MR. CONNOLLY: Who's "we"? 11:25:41AM  
12 THE WITNESS: My wife and I and he and 11:25:42AM  
13 his wife. 11:25:45AM  
14 BY MR. GOODSTADT: 11:25:46AM  
15 **Q Was anybody else there? 11:25:46AM**  
16 A No. 11:25:48AM  
17 **Q What year was that? 11:25:49AM**  
18 A I don't really recall. 11:25:50AM  
19 **Q Did you go to a show with him and his 11:25:52AM**  
20 **wife? 11:25:54AM**  
21 A Yes. 11:25:55AM  
22 **Q Did you guys go out drinking 11:25:55AM**  
23 **afterwards? 11:25:57AM**  
24 A Yeah. 11:25:59AM  
25 **Q Did you ever tell Frank Fiorillo with 11:26:02AM**  
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1 **GEORGE HESSE**  
2 **respect to Mitch Burns' place in Ocean Beach 11:26:05AM**  
3 **that whatever happens here between the drugs and 11:26:08AM**  
4 **the girls, we look the other way? 11:26:12AM**  
5 A Never. 11:26:15AM  
6 **Q Is it true that you told officers that 11:26:19AM**  
7 **you slept with Elyse Miller in Mitch Burns' hot 11:26:22AM**  
8 **tub? 11:26:26AM**  
9 MR. NOVIKOFF: Objection. 11:26:28AM  
10 A Never. 11:26:28AM  
11 **Q Did you ever sleep with Elyse Miller 11:26:29AM**  
12 **in Mitch Burns' hot tub? 11:26:30AM**  
13 A Never. 11:26:33AM  
14 **Q Have you ever been over Mitch Burns' 11:26:33AM**  
15 **house while Elyse Miller was there as well? 11:26:34AM**  
16 A Yes. 11:26:41AM  
17 **Q How many times? 11:26:42AM**  
18 A One time. 11:26:43AM  
19 **Q When was that? 11:26:43AM**  
20 A I don't recall. 11:26:44AM  
21 **Q How did you get home from there the 11:26:47AM**  
22 **day that Elyse Miller was there? 11:26:49AM**  
23 A I don't know. I believe my wife and I 11:26:50AM  
24 walked down Evergreen northbound to Bay Walk, 11:26:52AM  
25 made a left and got on the ferry and went home. 11:26:57AM  
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1 **GEORGE HESSE**  
2 A Yes. 11:28:02AM  
3 **Q How many times? 11:28:02AM**  
4 A A handful of times. 11:28:03AM  
5 **Q Have you ever been over there on 11:28:05AM**  
6 **non-police business? 11:28:07AM**  
7 A Yes. 11:28:10AM  
8 **Q How many times? 11:28:11AM**  
9 A Handful of times. 11:28:13AM  
10 **Q How many is a handful? 11:28:14AM**  
11 A Five or six. 11:28:16AM  
12 **Q What years did you go to her house on 11:28:18AM**  
13 **non-police business? 11:28:21AM**  
14 A God, over 16 years, you know, I don't 11:28:23AM  
15 know. 11:28:26AM  
16 **Q You don't know? 11:28:28AM**  
17 A Could be more than five or six times. 11:28:28AM  
18 **Q Did you ever require Frank Fiorillo to 11:28:31AM**  
19 **take her -- take you to her house for non-police 11:28:32AM**  
20 **business? 11:28:36AM**  
21 A Not that I recall, no. 11:28:37AM  
22 **Q Do you know her son, Andrea 11:28:41AM**  
23 **Nimburger's son? 11:28:43AM**  
24 A Yeah. 11:28:45AM  
25 **Q Did you ever have a sexual 11:28:45AM**  
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1 **GEORGE HESSE**  
2 **Q Did you ever have Frank Fiorillo pick 11:27:01AM**  
3 **you up from Mitch Burns' house? 11:27:03AM**  
4 A Never. 11:27:06AM  
5 **Q Did you ever sleep over his apartment 11:27:14AM**  
6 **in New York City? 11:27:16AM**  
7 A Never. 11:27:17AM  
8 **Q Do you know whether he's ever sold any 11:27:23AM**  
9 **narcotics? 11:27:25AM**  
10 A I don't know. 11:27:26AM  
11 **Q Did you ever hear that he was selling 11:27:27AM**  
12 **narcotics? 11:27:29AM**  
13 A No. 11:27:30AM  
14 **Q Did you ever hear he was selling 11:27:30AM**  
15 **Fentanyl lollipops? 11:27:32AM**  
16 A No. I don't even know what that is. 11:27:34AM  
17 **Q Do you know what Fentanyl is? 11:27:36AM**  
18 A No. 11:27:39AM  
19 **Q Who is Andrea Nimburger? 11:27:40AM**  
20 A That's a woman who owns a house in the 11:27:42AM  
21 village. 11:27:45AM  
22 **Q Where is her house in the village? 11:27:46AM**  
23 A I believe it's on Wilmot Walk, 11:27:48AM  
24 W-I-L-M-O-T. 11:27:51AM  
25 **Q Have you ever been over her house? 11:28:00AM**  
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1 **GEORGE HESSE**  
2 **relationship with Andrea Nimburger? 11:28:47AM**  
3 MR. CONNOLLY: Objection. 11:28:49AM  
4 A No. 11:28:50AM  
5 **Q Isn't it true that you told Frank 11:28:51AM**  
6 **Fiorillo that you did? 11:28:52AM**  
7 MR. CONNOLLY: Objection. 11:28:53AM  
8 A No. 11:28:54AM  
9 **Q It's not true? 11:28:54AM**  
10 A It's not true. 11:28:55AM  
11 **Q Is it true that Fiorillo complained to 11:28:58AM**  
12 **you that the village was being left short when 11:29:00AM**  
13 **he had to chauffeur you over there? 11:29:03AM**  
14 A Never. 11:29:05AM  
15 **Q Did you ever tell Ed Carter that you 11:29:19AM**  
16 **gave someone the, quote, German sausage? 11:29:21AM**  
17 MR. CONNOLLY: Objection. 11:29:25AM  
18 A Never. 11:29:25AM  
19 **Q Did you ever use that phrase, German 11:29:26AM**  
20 **sausage? 11:29:28AM**  
21 A Yes. 11:29:29AM  
22 MR. NOVIKOFF: You mean from a deli? 11:29:30AM  
23 A Yes, I have. 11:29:31AM  
24 **Q What did you mean by German sausage? 11:29:32AM**  
25 A I don't know. I read it in the 11:29:33AM  
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1 GEORGE HESSE  
2 newspaper in the Post, and so now I use it on a 11:29:36AM  
3 regular basis. 11:29:37AM  
4 **Q You use it on a regular basis?** 11:29:38AM  
5 A Yeah, as a joke. 11:29:41AM  
6 **Q Referring to what?** 11:29:41AM  
7 A As the German sausage. 11:29:41AM  
8 **Q What are you referring to as a German 11:29:43AM**  
9 **sausage?** 11:29:44AM  
10 A I guess my penis. 11:29:44AM  
11 MR. NOVIKOFF: I was thinking a 11:29:47AM  
12 sandwich. Could be. 11:29:49AM  
13 MR. GOODSTADT: I don't want to think 11:29:51AM  
14 of anything. 11:29:51AM  
15 BY MR. GOODSTADT: 11:30:10AM  
16 **Q Did you ever refer to Kevin Lamm as 11:30:11AM**  
17 **being gay or homosexual?** 11:30:15AM  
18 A I have not, no. 11:30:18AM  
19 **Q Did you ever refer to Kevin Lamm as 11:30:27AM**  
20 **Kevina, either in writing or verbally?** 11:30:29AM  
21 A Not that I recall, no. 11:30:35AM  
22 **Q Did you ever refer to Kevin Lamm as 11:30:36AM**  
23 **his last name Lambo --** 11:30:38AM  
24 A Oh, sure. 11:30:42AM  
25 **Q -- either in writing or verbally?** 11:30:43AM  
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1 GEORGE HESSE  
2 **the police computer?** 11:32:08AM  
3 A Yes. 11:32:09AM  
4 **Q For other officers?** 11:32:10AM  
5 A Everyone had access to it to make 11:32:12AM  
6 whatever they wanted. 11:32:15AM  
7 **Q My question is, did you ever make them 11:32:17AM**  
8 **for other officers?** 11:32:19AM  
9 A I may have. 11:32:20AM  
10 **Q You don't recall one way or the other?** 11:32:20AM  
11 A I don't recall, no. 11:32:23AM  
12 **Q Which computer do you make the 11:32:25AM**  
13 **business cards on?** 11:32:28AM  
14 A They were made on one of the station 11:32:30AM  
15 house computers way back then on a program. I 11:32:31AM  
16 think it was Microsoft Publisher at the time. 11:32:34AM  
17 **Q Who created the template for the Ocean 11:32:39AM**  
18 **Beach business card?** 11:32:43AM  
19 A I may have. 11:32:44AM  
20 **Q Is this the template for the Ocean 11:32:45AM**  
21 **Beach business card? The top half of this, is 11:32:46AM**  
22 **that the template?** 11:32:49AM  
23 A It could've been back in the day. 11:32:51AM  
24 This is old. 11:32:53AM  
25 **Q So you don't recall one way or the 11:32:54AM**  
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1 GEORGE HESSE  
2 A Verbal, yeah. 11:30:45AM  
3 **Q Is that his nickname, Lambo?** 11:30:46AM  
4 A Yeah. Lambo Rambo, yeah. 11:30:49AM  
5 **Q Did you ever give him a business card 11:30:51AM**  
6 **that said Kevin Lambo?** 11:30:57AM  
7 A No. 11:30:59AM  
8 (Whereupon, Bates document P 925 was 11:31:10AM  
9 marked as Plaintiff's Exhibit 12 for 11:31:10AM  
10 identification, as of this date.) 11:31:10AM  
11 BY MR. GOODSTADT: 11:31:34AM  
12 **Q I've placed in front of Hesse what's 11:31:41AM**  
13 **been marked as Hesse 12. It's a one-page 11:31:42AM**  
14 **exhibit Bates numbered P 925. (Handing.) 11:31:45AM**  
15 **Mr. Hesse, have you ever seen what's 11:31:50AM**  
16 **now been marked as Hesse 12?** 11:31:52AM  
17 A Yes. 11:31:54AM  
18 **Q Where did you see this?** 11:31:55AM  
19 A Actually, yesterday. One of the 11:31:56AM  
20 documents I forgot that I reviewed with my 11:31:59AM  
21 attorney, Mr. Connolly. 11:32:01AM  
22 **Q Did you create this --** 11:32:03AM  
23 A No. 11:32:05AM  
24 **Q -- business card?** 11:32:05AM  
25 **Did you ever create business cards on 11:32:06AM**  
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1 GEORGE HESSE  
2 **other whether that was the template?** 11:32:56AM  
3 A It may have been. 11:32:58AM  
4 **Q And is that the phone number of the 11:32:59AM**  
5 **station house?** 11:33:02AM  
6 A No. 11:33:03AM  
7 MR. CONNOLLY: When? 11:33:03AM  
8 **Q Is that the address of the station 11:33:05AM**  
9 **house?** 11:33:08AM  
10 A Yes. 11:33:08AM  
11 **Q Is that the fax number or was the fax 11:33:09AM**  
12 **number of the station house?** 11:33:09AM  
13 A It was, I guess, when 516 was the area 11:33:11AM  
14 code. This is really old. 11:33:14AM  
15 **Q And was that the telephone number?** 11:33:16AM  
16 A Back in the day, yeah. 11:33:18AM  
17 **Q Isn't it true that you handed this 11:33:21AM**  
18 **card to Kevin Lamm?** 11:33:22AM  
19 MR. NOVIKOFF: Objection. 11:33:24AM  
20 A I didn't hand this to Kevin Lamm, no. 11:33:24AM  
21 **Q Do you believe that Kevin Lamm is 11:33:35AM**  
22 **homosexual?** 11:33:37AM  
23 MR. NOVIKOFF: Objection. 11:33:38AM  
24 MR. CONNOLLY: Objection. 11:33:39AM  
25 MR. NOVIKOFF: Objection. 11:33:40AM  
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1 GEORGE HESSE  
2 MR. CONNOLLY: What's the relevance? 11:33:40AM  
3 MR. GOODSTADT: Well, the relevance 11:33:42AM  
4 is, you know -- 11:33:43AM  
5 MR. NOVIKOFF: Are you making a claim 11:33:44AM  
6 of discrimination based on sexual 11:33:45AM  
7 orientation? 11:33:47AM  
8 MR. GOODSTADT: No. We're making a 11:33:49AM  
9 claim of defamation. We're making a claim 11:33:50AM  
10 of slander. And if we have to amend the 11:33:52AM  
11 complaint, we will. 11:33:55AM  
12 MR. NOVIKOFF: I look forward to you 11:33:57AM  
13 amending the complaint, obviously. 11:33:58AM  
14 It's your witness. 11:34:01AM  
15 MR. CONNOLLY: I agree, but you can 11:34:03AM  
16 answer. 11:34:04AM  
17 MR. GOODSTADT: And your objections, 11:34:05AM  
18 as we've gone over thousands of times, 11:34:06AM  
19 patently irrelevant, are reserved. 11:34:08AM  
20 MR. NOVIKOFF: Sometimes yes, 11:34:12AM  
21 sometimes no. 11:34:12AM  
22 MR. CONNOLLY: If you have an opinion. 11:34:14AM  
23 A I don't believe he is, but I don't 11:34:18AM  
24 have an opinion, really. 11:34:19AM  
25 **Q Did you ever call Kevin Lamm a rat? 11:34:25AM**  
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1 GEORGE HESSE  
2 A I may have. 11:34:28AM  
3 **Q How many times? 11:34:31AM**  
4 A I don't know. 11:34:32AM  
5 **Q What's your understanding of what a 11:34:35AM**  
6 **rat is in police terminology? 11:34:36AM**  
7 MR. NOVIKOFF: Objection. 11:34:39AM  
8 MR. CONNOLLY: In police terminology? 11:34:42AM  
9 MR. GOODSTADT: Yeah. 11:34:44AM  
10 BY MR. GOODSTADT: 11:34:44AM  
11 **Q You know, when you call another police 11:34:44AM**  
12 **officer a rat, what does that mean? 11:34:46AM**  
13 MR. NOVIKOFF: Objection. 11:34:48AM  
14 MR. CONNOLLY: Objection. 11:34:49AM  
15 A It could be a tattletale. It could be 11:34:50AM  
16 vermin, low, dirty down. You know. 11:34:53AM  
17 **Q How about a mutt, did you ever use 11:34:57AM**  
18 **that term? 11:34:59AM**  
19 A Yes. 11:35:00AM  
20 **Q What does a mutt mean? 11:35:00AM**  
21 MR. NOVIKOFF: In police parlance? 11:35:04AM  
22 MR. GOODSTADT: Yeah, in police 11:35:06AM  
23 parlance. 11:35:07AM  
24 MR. NOVIKOFF: Objection. 11:35:08AM  
25 A Dirtbag. 11:35:09AM  
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1 GEORGE HESSE  
2 **Q Is it different than a rat? 11:35:09AM**  
3 MR. NOVIKOFF: In police parlance? 11:35:12AM  
4 MR. GOODSTADT: Yes. 11:35:14AM  
5 MR. NOVIKOFF: Objection. 11:35:15AM  
6 A I guess you could use it different 11:35:16AM  
7 ways, but yes. They're a little different. 11:35:17AM  
8 **Q In police parlance, what's the 11:35:20AM**  
9 **difference between a rat and a mutt? 11:35:22AM**  
10 MR. NOVIKOFF: Objection. 11:35:26AM  
11 A To differentiate the difference, a rat 11:35:26AM  
12 could be a tattletale. 11:35:27AM  
13 **Q Right. 11:35:29AM**  
14 A A rat could be just vermin. And a 11:35:30AM  
15 mutt could just be a dirtbag. I don't know. 11:35:34AM  
16 **Q When you say you could've called Kevin 11:35:47AM**  
17 **Lamm a rat, is there any incident that you're 11:35:49AM**  
18 **referring to? 11:35:52AM**  
19 A I may have written something on the 11:35:52AM  
20 blog or something like that. 11:35:54AM  
21 **Q What did you write on the blog? 11:35:56AM**  
22 A I don't know. I'd have to go through 11:35:58AM  
23 the blog. 11:35:59AM  
24 **Q Did you ever verbally call Kevin Lamm 11:36:05AM**  
25 **a rat? 11:36:07AM**  
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1 GEORGE HESSE  
2 A Not that I recall, no. 11:36:08AM  
3 **Q Do you recall what your posting name 11:36:19AM**  
4 **was on the blog when you called Kevin Lamm a 11:36:21AM**  
5 **rat? 11:36:24AM**  
6 A Specifically, no. 11:36:24AM  
7 **Q The last time you testified to four 11:36:25AM**  
8 **names that thought that you used, Still 11:36:27AM**  
9 **Employed, Still Employed 2, Dirty and Dirty 1. 11:36:29AM**  
10 A Uh-huh. 11:36:32AM  
11 **Q Any other names that you can think of 11:36:33AM**  
12 **that you used on the blog? 11:36:35AM**  
13 A There are others, but I don't recall 11:36:36AM  
14 them at this time. 11:36:38AM  
15 **Q Did you ever use Rat Hater? 11:36:48AM**  
16 A I don't think so. 11:36:50AM  
17 MR. NOVIKOFF: On the blog? 11:36:52AM  
18 MR. GOODSTADT: On the blog. 11:36:53AM  
19 BY MR. GOODSTADT: 11:36:55AM  
20 **Q Did you ever use Forever Employed? 11:36:55AM**  
21 A I don't know. I'd have to look at the 11:36:57AM  
22 post. 11:36:59AM  
23 **Q Did you ever use Guest with 15 ones 11:36:59AM**  
24 **after it? 11:37:03AM**  
25 A No, I don't think so. 11:37:04AM  
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1 GEORGE HESSE  
2 **Q Or just the handle just 15 ones? 11:37:04AM**  
3 A No, I don't think so. 11:37:07AM  
4 **Q Did you ever use Guest 11770 or just 11:37:08AM**  
5 **the number 11770? 11:37:12AM**  
6 A No. 11:37:16AM  
7 **Q Did you use Free the Four? 11:37:16AM**  
8 A I may have. 11:37:18AM  
9 MR. NOVIKOFF: Is it Free T-H-E 11:37:24AM  
10 F-O-U-R? 11:37:25AM  
11 MR. GOODSTADT: Yes. 11:37:29AM  
12 BY MR. GOODSTADT: 11:37:31AM  
13 **Q Did you ever use Just the Facts Ma'am? 11:37:32AM**  
14 A I don't think so, no. 11:37:34AM  
15 **Q Did you ever use Your Turn Boys? 11:37:36AM**  
16 A I don't think so. 11:37:38AM  
17 **Q Did you ever use Misconduct? 11:37:39AM**  
18 A No. 11:37:41AM  
19 **Q Did you ever use Frank the Fag? 11:37:42AM**  
20 A No. 11:37:44AM  
21 **Q Did you ever use Miss You Guys? 11:37:44AM**  
22 A No. 11:37:47AM  
23 **Q Did you ever use Hate the Five? 11:37:48AM**  
24 A I don't think so, no. 11:37:50AM  
25 **Q Did you ever use On the Level? 11:37:52AM**  
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1 GEORGE HESSE  
2 Kevin Lamm come into contact with somebody 11:38:45AM  
3 who they did not beat up?) 11:38:45AM  
4 MR. NOVIKOFF: You mean other than the 11:38:46AM  
5 people at this table? 11:38:47AM  
6 MR. GOODSTADT: While they were police 11:38:52AM  
7 officers. 11:38:53AM  
8 MR. CONNOLLY: That's a simple yes or 11:38:57AM  
9 no. 11:38:59AM  
10 THE WITNESS: Yeah, I know. I'm just 11:38:59AM  
11 trying to figure that one out. 11:39:01AM  
12 A Yeah, I guess. 11:39:03AM  
13 **Q So a statement that the three of them 11:39:05AM**  
14 **beat up everyone they came into contact with 11:39:08AM**  
15 **would be false, correct? 11:39:11AM**  
16 A Yeah. 11:39:14AM  
17 **Q Did you ever state or insinuate on the 11:39:18AM**  
18 **blog that any of the plaintiffs were gay or 11:39:20AM**  
19 **homosexual? 11:39:23AM**  
20 A I may have. 11:39:25AM  
21 **Q Do you recall which plaintiff you 11:39:27AM**  
22 **stated that about on the blog? 11:39:29AM**  
23 A I don't recall. 11:39:31AM  
24 **Q Was it Kevin Lamm? 11:39:33AM**  
25 A I might have. 11:39:34AM  
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1 GEORGE HESSE  
2 A No. 11:37:54AM  
3 **Q Did you ever use Man Up Jerk-offs? 11:37:55AM**  
4 A No. 11:37:58AM  
5 **Q Did you ever post -- 11:37:58AM**  
6 MR. NOVIKOFF: On the blog? 11:38:00AM  
7 MR. GOODSTADT: On the blog. 11:38:01AM  
8 BY MR. GOODSTADT: 11:38:03AM  
9 **Q Did you ever use no name and just post 11:38:03AM**  
10 **without putting in a name? 11:38:07AM**  
11 A I don't think it lets you do that, but 11:38:08AM  
12 no. I don't think so, no. 11:38:10AM  
13 **Q Have you ever seen Joe Nofi, Frank 11:38:17AM**  
14 **Fiorillo or Kevin Lamm come into contact with 11:38:20AM**  
15 **somebody who they did not beat up? 11:38:24AM**  
16 A What? 11:38:27AM  
17 MR. NOVIKOFF: Wait, wait. Hold on. 11:38:28AM  
18 MR. CONNOLLY: Objection. 11:38:30AM  
19 MR. NOVIKOFF: You know, that may not 11:38:30AM  
20 be objectionable to form. I just want to 11:38:32AM  
21 hear the question. 11:38:34AM  
22 If you can repeat that back for me. 11:38:35AM  
23 (Whereupon, the referred to portion 11:38:45AM  
24 was read back by the court reporter: Have 11:38:45AM  
25 you ever seen Joe Nofi, Frank Fiorillo or 11:38:45AM  
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1 GEORGE HESSE  
2 **Q Frank Fiorillo? 11:39:35AM**  
3 A I might have. 11:39:36AM  
4 **Q Do you believe Frank Fiorillo to be 11:39:38AM**  
5 **gay or homosexual? 11:39:40AM**  
6 A Nah. 11:39:42AM  
7 **Q Any other plaintiffs you insinuated 11:39:46AM**  
8 **were gay or homosexual other than Mr. Fiorillo 11:39:49AM**  
9 **or Mr. Lamm? 11:39:52AM**  
10 A I'm sure all five of the plaintiffs at 11:39:54AM  
11 some point. 11:39:56AM  
12 **Q Do you believe that any of the five 11:39:57AM**  
13 **plaintiffs are gay or homosexual? 11:39:58AM**  
14 A No, I don't. 11:40:00AM  
15 **Q Did you ever call any of the 11:40:14AM**  
16 **plaintiffs a mutt? 11:40:15AM**  
17 MR. NOVIKOFF: On the blog? 11:40:16AM  
18 MR. GOODSTADT: At any point. On the 11:40:18AM  
19 blog, off the blog, verbally, in writing. 11:40:20AM  
20 A Yeah. 11:40:23AM  
21 **Q When? 11:40:24AM**  
22 A I don't recall. 11:40:25AM  
23 MR. GOODSTADT: Mark that. 11:40:54AM  
24 (Whereupon, picture of writing on the 11:40:56AM  
25 wall was marked as Plaintiff's Exhibit 13 11:40:56AM  
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1 GEORGE HESSE  
2 for identification, as of this date.) 11:40:56AM  
3 MR. GOODSTADT: I've placed in front 11:41:48AM  
4 of Mr. Hesse what's now been marked as 11:41:49AM  
5 Hesse 13. It is a two-page exhibit. I 11:41:51AM  
6 don't believe it bears any Bates numbers. 11:41:55AM  
7 BY MR. GOODSTADT: 11:41:57AM  
8 **Q Mr. Hesse, have you ever seen the 11:41:58AM**  
9 **first page of what's been marked as Hesse 13? 11:42:00AM**  
10 A Yes. 11:42:03AM  
11 **Q Okay. And what is this depicting? 11:42:03AM**  
12 A I believe it was in our bathroom stall 11:42:05AM  
13 in the police station on a wood wall that you 11:42:08AM  
14 would face. If you were a man standing up and 11:42:13AM  
15 urinating into the toilet, you could see 11:42:17AM  
16 straight in front of you what was written on the 11:42:19AM  
17 wall. 11:42:23AM  
18 **Q Do you know who wrote this? 11:42:23AM**  
19 A I have no idea. 11:42:24AM  
20 **Q Did Snyder ever complain to you about 11:42:25AM**  
21 **the first page of Hesse 13? 11:42:27AM**  
22 A It was never complained, no. 11:42:29AM  
23 **Q And were you the author of what's on 11:42:34AM**  
24 **Hesse 13? 11:42:37AM**  
25 A Absolutely not. 11:42:38AM  
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1 GEORGE HESSE  
2 **posted or you actually wrote it -- 11:43:23AM**  
3 A No. I wrote it right underneath all 11:43:25AM  
4 this stuff. I said, "Stop writing on the wall, 11:43:27AM  
5 103." 11:43:31AM  
6 **Q And who did you tell to stop writing 11:43:32AM**  
7 **on the wall? 11:43:32AM**  
8 A I believe I made a general statement 11:43:33AM  
9 to everybody that was working in the department. 11:43:35AM  
10 **Q Do you recall when that was? 11:43:37AM**  
11 A I don't, no. 11:43:39AM  
12 **Q And when was the two pictures that are 11:43:39AM**  
13 **depicted in Hesse 13, when were those things 11:43:43AM**  
14 **written on the wall? 11:43:46AM**  
15 A You know, I don't know. I know -- I 11:43:47AM  
16 believe Laminated and Snyderized was up for 11:43:50AM  
17 quite a while. 11:43:56AM  
18 **Q Did you ever take any steps to have it 11:43:58AM**  
19 **removed? 11:44:01AM**  
20 A Oh, I've removed it but, you know, not 11:44:01AM  
21 then. 11:44:05AM  
22 **Q I'm talking about then. Did you ever 11:44:06AM**  
23 **take any steps to have it removed? You said it 11:44:08AM**  
24 **was there quite a while. 11:44:10AM**  
25 A Yeah. No. 11:44:12AM  
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1 GEORGE HESSE  
2 **Q How about Page 2 of Hesse 13, did you 11:42:38AM**  
3 **ever see this? 11:42:41AM**  
4 A Yes. 11:42:42AM  
5 **Q And was this -- where was this -- 11:42:43AM**  
6 **strike that. 11:42:46AM**  
7 **What is Page 2 of Hesse 13? 11:42:47AM**  
8 A Basically just what I described, same 11:42:51AM  
9 exact thing in the same area, writing on the 11:42:53AM  
10 wall in the bathroom. 11:42:56AM  
11 **Q Were you the author of what's depicted 11:42:58AM**  
12 **on the second page of Hesse 13? 11:42:59AM**  
13 A Absolutely not, no. 11:43:01AM  
14 **Q Do you know who wrote what was on the 11:43:02AM**  
15 **second page of Hesse 13? 11:43:04AM**  
16 A No, I don't. 11:43:05AM  
17 **Q Did you ever speak to any of the 11:43:07AM**  
18 **officers about marking up the walls in the 11:43:09AM**  
19 **bathroom? 11:43:11AM**  
20 A At some point, I believe I wrote on 11:43:15AM  
21 the wall and said "stop writing on the wall," 11:43:17AM  
22 and I told everybody to stop writing on the 11:43:19AM  
23 wall. 11:43:22AM  
24 **Q What do you mean, you wrote "stop 11:43:22AM**  
25 **writing on the wall"? Was it a directive you 11:43:22AM**  
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1 GEORGE HESSE  
2 MR. NOVIKOFF: Objection. That wasn't 11:44:13AM  
3 what you asked him when he responded "quite 11:44:14AM  
4 a while." Objection to form, but -- 11:44:17AM  
5 BY MR. GOODSTADT: 11:44:19AM  
6 **Q How long is quite a while? 11:44:19AM**  
7 MR. NOVIKOFF: He said he saw it quite 11:44:22AM  
8 a while ago, I believe. 11:44:23AM  
9 MR. GOODSTADT: Can you go back to the 11:44:26AM  
10 answer "quite a while." 11:44:27AM  
11 MR. CONNOLLY: Ask him. 11:44:29AM  
12 MR. GOODSTADT: I want to see what he 11:44:30AM  
13 said. 11:44:31AM  
14 BY MR. GOODSTADT: 11:45:01AM  
15 **Q You testified that it was up for quite 11:45:01AM**  
16 **a while. 11:45:03AM**  
17 A Uh-huh. 11:45:04AM  
18 MR. NOVIKOFF: I don't recall it that 11:45:05AM  
19 way, but it is what it is. 11:45:05AM  
20 MR. GOODSTADT: I have the transcript. 11:45:08AM  
21 You can play the video, if you want. 11:45:08AM  
22 MR. NOVIKOFF: I don't see a 11:45:15AM  
23 transcript. It's on the video. 11:45:15AM  
24 My objection stands. 11:45:15AM  
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1 GEORGE HESSE  
2 BY MR. GOODSTADT: 11:45:17AM  
3 Q So during the -- strike that. 11:45:17AM  
4 What did you mean by quite a while, 11:45:19AM  
5 how long? 11:45:22AM  
6 A I believe it was years. I believe 11:45:22AM  
7 that this stuff was on the wall for years. 11:45:24AM  
8 Q And during those years, did you ever 11:45:27AM  
9 do anything to take it down other than for write 11:45:28AM  
10 "stop writing on the walls, 103"? 11:45:32AM  
11 A No. 11:45:35AM  
12 Q Did Kevin Lamm ever complain to you 11:45:36AM  
13 about Page 2 of Hesse 13? 11:45:37AM  
14 A No. 11:45:42AM  
15 MR. GOODSTADT: I want to take a 11:45:55AM  
16 five-minute break here. 11:45:56AM  
17 MR. NOVIKOFF: You got it. 11:45:58AM  
18 THE VIDEOGRAPHER: The time is 11:47. 11:45:59AM  
19 We're off the record. 11:46:00AM  
20 (Whereupon, a discussion was held off 11:46:03AM  
21 the record.) 11:46:03AM  
22 THE VIDEOGRAPHER: The time is 12:04. 12:02:16PM  
23 We're on the record. 12:02:17PM  
24 BY MR. GOODSTADT: 12:02:20PM  
25 Q Mr. Hesse, do you know who Frank 12:02:21PM  
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1 GEORGE HESSE  
2 Tutone is? 12:02:24PM  
3 A Yes. 12:02:25PM  
4 Q Who is Frank Tutone? 12:02:25PM  
5 A He's a local resident of Ocean Beach. 12:02:27PM  
6 Q Have you ever been to Mr. Tutone's 12:02:34PM  
7 residence? 12:02:37PM  
8 MR. CONNOLLY: In what capacity? 12:02:38PM  
9 MR. GOODSTADT: At any time. 12:02:40PM  
10 A Yes. 12:02:40PM  
11 Q How many times have you been to his 12:02:42PM  
12 residence? 12:02:44PM  
13 A Maybe four times. 12:02:47PM  
14 Q Have you ever been there on non-police 12:02:49PM  
15 business? 12:02:51PM  
16 A Never. 12:02:52PM  
17 Q So all four times was on police 12:02:54PM  
18 business? 12:02:56PM  
19 A Yes. 12:02:56PM  
20 Q And what was the police business at 12:02:57PM  
21 Mr. Tutone's residence that you were there for? 12:02:59PM  
22 A To arrest him. 12:03:02PM  
23 Q All four times? 12:03:03PM  
24 A I believe so, yes. 12:03:04PM  
25 Q What was he arrested for? 12:03:05PM  
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1 GEORGE HESSE  
2 A Hmm, God, so many things. Aggravated 12:03:08PM  
3 harassment on several occasions. Domestic 12:03:11PM  
4 violence type stuff. 12:03:18PM  
5 Q And domestic violence against whom? 12:03:27PM  
6 A That would be his on-and-off 12:03:29PM  
7 girlfriend, Lisa Campbell. 12:03:32PM  
8 Q Are you aware of a time where 12:03:38PM  
9 Ms. Campbell was in the station and Richard 12:03:42PM  
10 Bosetti was giving her wine to drink? 12:03:45PM  
11 MR. NOVIKOFF: Objection to form. 12:03:53PM  
12 A You know, I don't know. I've heard 12:03:55PM  
13 the rumor, but I don't know for sure if that was 12:03:57PM  
14 true or not. 12:04:00PM  
15 Q When did you hear that rumor? 12:04:01PM  
16 A You know what, it may have been when 12:04:05PM  
17 this proceeding started. 12:04:08PM  
18 Q You hadn't heard the rumor prior to 12:04:09PM  
19 the proceeding? 12:04:11PM  
20 A No. Not that I'm aware of. 12:04:12PM  
21 Q And if Mr. Bosetti had given her wine 12:04:16PM  
22 to drink while she was there to file a domestic 12:04:21PM  
23 violence complaint, would that have been 12:04:25PM  
24 appropriate? 12:04:28PM  
25 MR. NOVIKOFF: Objection. 12:04:28PM  
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1 GEORGE HESSE  
2 A In my opinion, it's inappropriate. 12:04:29PM  
3 Q Inappropriate? 12:04:31PM  
4 A Yeah. 12:04:31PM  
5 Q It's something that would result in 12:04:32PM  
6 discipline? 12:04:37PM  
7 MR. CONNOLLY: Objection. 12:04:38PM  
8 MR. NOVIKOFF: Objection. Calls for 12:04:39PM  
9 speculation. 12:04:39PM  
10 A No. Not necessarily. 12:04:40PM  
11 Q What do you mean by not necessarily? 12:04:43PM  
12 A I would probably just advise him not 12:04:45PM  
13 to do that again. 12:04:47PM  
14 Q Have you ever spoken to Richard 12:04:48PM  
15 Bosetti about that incident? 12:04:50PM  
16 MR. NOVIKOFF: Foundation. 12:04:53PM  
17 A I don't recall if I did or not. 12:04:54PM  
18 Q You don't recall one way or the other? 12:04:55PM  
19 A No. 12:04:56PM  
20 Q Have you ever spoken with anybody, 12:04:57PM  
21 either former or current police officers at 12:04:59PM  
22 Ocean Beach, with respect to that incident? 12:05:02PM  
23 A I don't recall if I did or not. 12:05:04PM  
24 Q So you don't know one way or the 12:05:05PM  
25 other? 12:05:06PM  
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1 **GEORGE HESSE**  
2 A No. 12:05:08PM  
3 **Q Did you ever speak to Kenny Bockelman 12:05:09PM**  
4 **about that incident? 12:05:12PM**  
5 A You know, I don't recall. 12:05:14PM  
6 **Q Do you know who Kenny Bockelman is? 12:05:15PM**  
7 A Oh, sure. 12:05:17PM  
8 **Q Who is that? 12:05:18PM**  
9 A He's a current part-time seasonal 12:05:18PM  
10 police officer. B-O-C-K-E-L-M-A-N. 12:05:21PM  
11 **Q Have you ever disciplined Rich 12:05:49PM**  
12 **Bosetti? 12:05:51PM**  
13 A Yes. 12:05:51PM  
14 **Q What did you discipline Rich Bosetti 12:05:52PM**  
15 **for? 12:05:55PM**  
16 A A couple of different things. One 12:05:55PM  
17 time I felt that he wasn't getting to his post 12:06:01PM  
18 in time, and we had a little bit of an argument. 12:06:04PM  
19 So he was disciplined for that and sent home for 12:06:09PM  
20 his tour of duty. I believe there was another 12:06:13PM  
21 time where he was caught sleeping by the mayor. 12:06:15PM  
22 He was disciplined by the mayor and then me, and 12:06:20PM  
23 then he was sent home for the tour of duty. And 12:06:26PM  
24 then he was pretty much not asked back for 12:06:29PM  
25 employment proceeding that. 12:06:32PM  
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1 **GEORGE HESSE**  
2 positive. 12:07:51PM  
3 **Q And what was the incident where the 12:07:51PM**  
4 **mayor caught him sleeping? 12:07:53PM**  
5 A I don't recall the exact date, but I 12:07:57PM  
6 came into work about, I don't know, 9:30ish, and 12:08:01PM  
7 I believe I asked the dispatcher where everybody 12:08:07PM  
8 was. Everybody was on patrol. And all of a 12:08:10PM  
9 sudden, I guess Rich Bosetti just comes 12:08:13PM  
10 strolling into the police station. And then I 12:08:16PM  
11 get a phone call from the mayor that he wants to 12:08:18PM  
12 see Rich Bosetti and myself in his office at 12:08:21PM  
13 whatever time he designated, and we reported to 12:08:26PM  
14 his office. 12:08:30PM  
15 **Q Okay. When was that? 12:08:30PM**  
16 A I don't remember the exact date of 12:08:32PM  
17 that either. I believe it's written down in his 12:08:33PM  
18 personnel file somewhere. 12:08:37PM  
19 **Q And I believe you testified that he 12:08:38PM**  
20 **was sent home on that tour? 12:08:40PM**  
21 A Yes, eventually he was sent home for 12:08:42PM  
22 tour of duty. 12:08:45PM  
23 **Q Who made the decision to send him 12:08:46PM**  
24 **home? 12:08:48PM**  
25 A I did. 12:08:49PM  
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1 **GEORGE HESSE**  
2 **Q What was the incident about what you 12:06:37PM**  
3 **guys had the argument over Bosetti not being at 12:06:40PM**  
4 **his post on time? 12:06:43PM**  
5 A That night, early morning we had a 12:06:45PM  
6 huge fire. A building burnt to the ground. And 12:06:48PM  
7 that morning I had to call extra personnel in to 12:06:52PM  
8 relieve some of the officers that were on all 12:06:55PM  
9 night long. They were soaking wet. They had 12:06:58PM  
10 debris all over them. And I wanted him to get 12:07:02PM  
11 to his post to relief one of those officers 12:07:05PM  
12 to -- so they can go home, rest, change, shower, 12:07:09PM  
13 whatever it is. And I left the scene to go to 12:07:14PM  
14 the police station for something, paperwork or 12:07:18PM  
15 something. And Rich Bosetti was sitting there 12:07:21PM  
16 enjoying a cup of coffee and eating a bagel, and 12:07:24PM  
17 I found that to be inappropriate under the 12:07:27PM  
18 circumstances. 12:07:30PM  
19 **Q When was that incident? 12:07:31PM**  
20 A I don't recall the exact date. I'm 12:07:36PM  
21 sure you could show me something that will help 12:07:38PM  
22 me recollect. 12:07:42PM  
23 **Q Do you know what year it was? 12:07:43PM**  
24 A I believe it was 2007. It may have 12:07:44PM  
25 been in June. June or July. I'm not real 12:07:48PM  
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1 **GEORGE HESSE**  
2 12:08:49PM  
3 **Q And then was his employment terminated 12:08:59PM**  
4 **after that? 12:09:01PM**  
5 A Yeah. There were no hours available 12:09:02PM  
6 for him. It was the end of the season. 12:09:04PM  
7 **Q What do you mean, yeah, but there were 12:09:07PM**  
8 **no hours available for him? 12:09:09PM**  
9 A I chose not to give him any more 12:09:11PM  
10 hours. 12:09:13PM  
11 **Q Who made that decision to end his 12:09:13PM**  
12 **employment? 12:09:15PM**  
13 A I did. 12:09:16PM  
14 **Q Did you have any -- did you have to 12:09:16PM**  
15 **get any approval to end his employment? 12:09:19PM**  
16 A No. 12:09:22PM  
17 **Q Did you seek anyone's approval to end 12:09:23PM**  
18 **his employment? 12:09:25PM**  
19 A I don't recall if I did. 12:09:26PM  
20 **Q Did you speak to anybody about that 12:09:27PM**  
21 **decision prior to implementing it? 12:09:29PM**  
22 A I don't recall if I did. 12:09:31PM  
23 **Q Do you recall, did you speak with Joe 12:09:32PM**  
24 **Loeffler about it? 12:09:35PM**  
25 A I may have. I don't recall. 12:09:36PM  
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1 GEORGE HESSE  
2 **Q Did you speak to anyone in Civil 12:09:39PM**  
3 **Service about it? 12:09:41PM**  
4 A No. 12:09:44PM  
5 **Q At that time, did you have the 12:09:45PM**  
6 **authority to terminate his employment? 12:09:46PM**  
7 MR. NOVIKOFF: Objection. Form. 12:09:48PM  
8 A I believe I did. 12:09:50PM  
9 **Q And what's the basis of that belief? 12:09:54PM**  
10 A By my title and position. 12:09:56PM  
11 **Q Your title was at that time? 12:09:59PM**  
12 A Deputy acting -- acting -- who knows. 12:10:01PM  
13 MR. CONNOLLY: Deputy acting chief. 12:10:06PM  
14 A Deputy acting chief of police. 12:10:08PM  
15 **Q But you testified last time that you 12:10:10PM**  
16 **held yourself out to be chief, correct? 12:10:13PM**  
17 A Yes. 12:10:15PM  
18 MR. NOVIKOFF: Objection. 12:10:16PM  
19 BY MR. GOODSTADT: 12:10:17PM  
20 **Q So during that period time? 12:10:17PM**  
21 A 2007, no. Paradiso was still employed 12:10:19PM  
22 by the village, so I would be the deputy chief. 12:10:21PM  
23 **Q When did the change happen between 12:10:25PM**  
24 **deputy chief and chief? 12:10:27PM**  
25 A I believe he retired officially July 12:10:29PM  
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1 GEORGE HESSE  
2 A Yes. 12:11:50PM  
3 **Q Where did the Halloween incident take 12:11:51PM**  
4 **place? 12:11:53PM**  
5 A At a bar called Houser's. 12:11:53PM  
6 **Q Where is Houser's located? 12:11:56PM**  
7 A It's on Bay Walk, and it's between 12:11:57PM  
8 Ocean Breeze walk and Evergreen Walk. 12:12:02PM  
9 **Q Had you ever been in Houser's prior to 12:12:07PM**  
10 **the Halloween incident? 12:12:09PM**  
11 A Yes. 12:12:10PM  
12 **Q Had you ever been in there on 12:12:11PM**  
13 **non-police business prior to the Halloween 12:12:14PM**  
14 **incident? 12:12:17PM**  
15 A Yes. 12:12:17PM  
16 **Q Had you ever drank at Houser's prior 12:12:18PM**  
17 **to the Halloween incident? 12:12:20PM**  
18 MR. NOVIKOFF: Objection to form. 12:12:23PM  
19 On police business or not on police 12:12:24PM  
20 business? 12:12:26PM  
21 BY MR. GOODSTADT: 12:12:27PM  
22 **Q Did you ever drink on police business 12:12:27PM**  
23 **or while you were on duty at Houser's prior to 12:12:28PM**  
24 **October 31st, 2004? 12:12:29PM**  
25 A Never. 12:12:31PM  
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1 GEORGE HESSE  
2 of 2008. 12:10:34PM  
3 **Q Did you need Paradiso's approval to 12:10:39PM**  
4 **terminate Mr. Bosetti's employment at that time? 12:10:42PM**  
5 A No. 12:10:46PM  
6 **Q Did you get his approval to terminate 12:10:46PM**  
7 **Mr. Bosetti's employment at that time? 12:10:49PM**  
8 MR. NOVIKOFF: Objection to form. 12:10:51PM  
9 A No. 12:10:52PM  
10 **Q Did you discuss the decision with 12:10:52PM**  
11 **Paradiso either before implementing it or after? 12:10:54PM**  
12 MR. NOVIKOFF: Objection to form. 12:10:57PM  
13 A No. 12:10:58PM  
14 **Q Sitting here today, you never 12:10:59PM**  
15 **discussed that incident or decision to terminate 12:11:01PM**  
16 **Rich Bosetti's employment with Chief Paradiso? 12:11:04PM**  
17 MR. NOVIKOFF: Objection to form. 12:11:08PM  
18 A No. 12:11:09PM  
19 **Q Now, there came a point in time where 12:11:35PM**  
20 **there was a -- I believe you called it a 12:11:39PM**  
21 **Halloween incident; is that correct? 12:11:40PM**  
22 A Yes. 12:11:41PM  
23 **Q And that was -- just so we're clear, 12:11:42PM**  
24 **that was the night of October 30th into the 12:11:44PM**  
25 **morning of October 31, 2004? 12:11:47PM**  
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1 GEORGE HESSE  
2 **Q How about subsequent to October 31st, 12:12:32PM**  
3 **2004? 12:12:33PM**  
4 A Never. 12:12:36PM  
5 **Q Did you ever drink off duty in 12:12:36PM**  
6 **Houser's prior to October 31, 2004? 12:12:38PM**  
7 A Yes. 12:12:40PM  
8 **Q Did you ever drink off duty subsequent 12:12:42PM**  
9 **to October 31, 2004? 12:12:45PM**  
10 A Yes. 12:12:46PM  
11 **Q Who was the owner of Houser's at the 12:12:47PM**  
12 **time of the Halloween incident? 12:12:50PM**  
13 A I believe there's partners involved in 12:12:51PM  
14 the bar. I think the major principals are Brian 12:12:53PM  
15 O'Hanley and Alan Stillman. 12:12:58PM  
16 **Q Did you know Mr. O'Hanley prior to 12:13:09PM**  
17 **October 31, 2004? 12:13:13PM**  
18 A Yes. 12:13:14PM  
19 **Q Were you friendly with him? 12:13:16PM**  
20 A Not really. 12:13:18PM  
21 **Q Did you ever issue any summonses to 12:13:19PM**  
22 **Houser's at any point in time? 12:13:21PM**  
23 A Yes. 12:13:23PM  
24 **Q How many times? 12:13:23PM**  
25 A Maybe three times. 12:13:27PM  
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1 GEORGE HESSE  
2 **Q Were they prior to Halloween '04 or 12:13:29PM**  
3 **after? 12:13:31PM**  
4 A Prior. 12:13:31PM  
5 **Q Are you friends with Mr. Stillman? 12:13:34PM**  
6 A No. 12:13:36PM  
7 **Q Did you know him prior to Halloween 12:13:37PM**  
8 **2004? 12:13:38PM**  
9 A Yes. 12:13:39PM  
10 **Q Did you ever socialize with either of 12:13:42PM**  
11 **them? 12:13:44PM**  
12 A No. 12:13:45PM  
13 **Q Okay. Where were you the night of the 12:13:45PM**  
14 **Halloween incident? 12:13:51PM**  
15 A I was at a wedding. I was in a 12:13:52PM  
16 wedding party for a friend of mine. 12:13:54PM  
17 **Q Where was that wedding? 12:13:58PM**  
18 A Good question. I believe the church 12:14:02PM  
19 might have been in -- let me see, Bayport. And 12:14:04PM  
20 then the reception was Port Jeff somewhere. 12:14:10PM  
21 **Q So you were in Suffolk County at the 12:14:18PM**  
22 **time? 12:14:19PM**  
23 A Yes. 12:14:19PM  
24 **Q Were you in Ocean Beach at all that 12:14:22PM**  
25 **day or night, October 30th? 12:14:24PM**  
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1 GEORGE HESSE  
2 Monday morning, he wants me to investigate what 12:15:50PM  
3 was going on. 12:15:54PM  
4 **Q Anything else that was discussed 12:16:01PM**  
5 **during that call? 12:16:02PM**  
6 A Not that I recall. 12:16:04PM  
7 **Q Did you speak with anybody else about 12:16:09PM**  
8 **the Halloween incident prior to going in on that 12:16:11PM**  
9 **Monday morning? 12:16:15PM**  
10 A Yes. 12:16:16PM  
11 **Q Who did you speak with? 12:16:16PM**  
12 A Frank Fiorillo and Kevin Lamm. 12:16:17PM  
13 **Q Okay. When did you speak with -- 12:16:20PM**  
14 **well, strike that. 12:16:23PM**  
15 **Who did you speak with first, Frank 12:16:24PM**  
16 **Fiorillo or Kevin Lamm? 12:16:26PM**  
17 A Kevin Lamm, I believe. 12:16:27PM  
18 **Q And when did you speak with him? 12:16:28PM**  
19 A I'm sure it was shortly after I spoke 12:16:30PM  
20 to Ed Paradiso. I was standing in Home Depot 12:16:32PM  
21 parking lot in Bay Shore when I made contact 12:16:37PM  
22 with Kevin. 12:16:40PM  
23 **Q It was on the phone you made contact 12:16:41PM**  
24 **with him? 12:16:44PM**  
25 A Yeah. 12:16:44PM  
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1 GEORGE HESSE  
2 A No. 12:14:26PM  
3 **Q And what was your title at that time? 12:14:33PM**  
4 A Sergeant. 12:14:37PM  
5 **Q How did you first learn that there was 12:14:49PM**  
6 **an incident on Halloween of 2004? 12:14:50PM**  
7 A The early evening of Sunday, I 12:14:55PM  
8 believe, the 31st, I received a call from Ed 12:14:58PM  
9 Paradiso telling me that he had fired Gary 12:15:01PM  
10 Bosetti for an incident that had taken place at 12:15:06PM  
11 the bar, that Gary had gone berserk with a pool 12:15:09PM  
12 cue and was hitting patrons of the bar. 12:15:14PM  
13 **Q Do you recall anything else that was 12:15:18PM**  
14 **discussed during that phone call? 12:15:19PM**  
15 A I asked him what makes him think that 12:15:21PM  
16 Gary went nuts and why, and he didn't know why. 12:15:23PM  
17 **Q Did he tell you what made him think 12:15:30PM**  
18 **that Gary went nuts? 12:15:33PM**  
19 A No. He just said that he was involved 12:15:34PM  
20 in a fight, that he believes he was involved in 12:15:36PM  
21 a fight, and that he picked up a pool stick and 12:15:39PM  
22 just started hitting people with it. 12:15:42PM  
23 **Q Was anything else discussed during 12:15:45PM**  
24 **that phone call? 12:15:46PM**  
25 A Yes. He said that when I get in on 12:15:47PM  
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1 GEORGE HESSE  
2 **Q Did you reach out to him or did he 12:16:45PM**  
3 **reach out to you? 12:16:45PM**  
4 A I called him. 12:16:46PM  
5 **Q Where was he located? 12:16:46PM**  
6 A I have no idea. 12:16:46PM  
7 **Q Did you call him on his cell phone, 12:16:47PM**  
8 **his house phone, station phone? 12:16:49PM**  
9 A I believe it was his cell phone. 12:16:52PM  
10 **Q Tell me everything you recall being 12:16:55PM**  
11 **discussed in that conversation. 12:16:57PM**  
12 A I basically remember asking him what 12:16:58PM  
13 had happened and, you know, what made him think 12:17:00PM  
14 that Gary went berserk with the pool stick, and 12:17:05PM  
15 he kept saying he didn't know why. He kept 12:17:08PM  
16 saying, I don't know. 12:17:12PM  
17 **Q Well, did he tell you that Gary went 12:17:14PM**  
18 **berserk with a pool stick or is that something 12:17:17PM**  
19 **that Paradiso said? 12:17:20PM**  
20 A I might be conflicting on the two, but 12:17:22PM  
21 he did say that Gary struck these individuals. 12:17:24PM  
22 I don't know if he named them specifically, but 12:17:28PM  
23 he hit somebody with the pool stick. 12:17:30PM  
24 **Q When you say didn't know the name of 12:17:32PM**  
25 **the individuals, the people who were struck or 12:17:35PM**  
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1 **GEORGE HESSE**  
2 **did he name Gary? 12:17:38PM**  
3 A The people that were struck. 12:17:40PM  
4 **Q And what else did he say during that 12:17:42PM**  
5 **call? 12:17:44PM**  
6 A He just kept saying he didn't know 12:17:45PM  
7 what had happened. 12:17:46PM  
8 **Q Did he give you any other details 12:17:49PM**  
9 **about what had happened other than just telling 12:17:51PM**  
10 **you that he had struck some people with a pool 12:18:03PM**  
11 **cue? 12:18:06PM**  
12 A That's it. And he said the rest he 12:18:07PM  
13 didn't know. 12:18:09PM  
14 **Q And what did you say during that 12:18:13PM**  
15 **conversation? 12:18:14PM**  
16 A Okay. 12:18:16PM  
17 **Q How long did the conversation last? 12:18:17PM**  
18 A A few minutes. Not long. 12:18:19PM  
19 **Q Did you take any notes of that 12:18:22PM**  
20 **conversation? 12:18:23PM**  
21 A No. 12:18:23PM  
22 **Q Now, I believe you testified that you 12:18:27PM**  
23 **spoke with Frank Fiorillo as well prior to 12:18:29PM**  
24 **coming in that Monday? 12:18:31PM**  
25 A Yes. 12:18:33PM  
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1 **GEORGE HESSE**  
2 **Q How long after the Lamm call was the 12:18:33PM**  
3 **Fiorillo discussion? 12:18:35PM**  
4 A Within minutes. 12:18:37PM  
5 **Q Did you reach out to Fiorillo or did 12:18:38PM**  
6 **he reach out to you? 12:18:40PM**  
7 A I believe I called him. 12:18:41PM  
8 **Q Uh-huh. What phone did you call him 12:18:43PM**  
9 **on? 12:18:45PM**  
10 A You know, I don't recall. 12:18:46PM  
11 **Q Do you know where he was at the time? 12:18:49PM**  
12 A No. 12:18:51PM  
13 **Q Was he on duty at the time? 12:18:52PM**  
14 A When I called him, I don't believe so. 12:18:54PM  
15 **Q Was Lamm on duty when you spoke with 12:18:56PM**  
16 **him? 12:18:57PM**  
17 A I don't believe so. 12:18:58PM  
18 **Q Okay. Tell me everything you recall 12:18:59PM**  
19 **in your discussion with Fiorillo. 12:19:01PM**  
20 A The phone conversation was pretty much 12:19:04PM  
21 the same. They just -- Fiorillo said that he 12:19:06PM  
22 just didn't know what had happened. 12:19:10PM  
23 **Q Did he give you any details? 12:19:17PM**  
24 A Not that I recall specifically other 12:19:20PM  
25 than he didn't know what had happened. 12:19:21PM  
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1 **GEORGE HESSE**  
2 **Q What did you say other than for what 12:19:23PM**  
3 **happened? 12:19:25PM**  
4 A I really didn't say anything else. I 12:19:27PM  
5 just had asked him what had happened. 12:19:29PM  
6 **Q He said he didn't know? 12:19:32PM**  
7 A Right. 12:19:33PM  
8 **Q Anything else discussed in that phone 12:19:33PM**  
9 **call? 12:19:35PM**  
10 A Not that I recall, no. 12:19:35PM  
11 **Q Did you take any notes of that call? 12:19:37PM**  
12 A No. 12:19:38PM  
13 **Q How long did that call last? 12:19:40PM**  
14 A Few minutes. 12:19:42PM  
15 **Q So during those few minutes, you don't 12:19:46PM**  
16 **recall anything other than for you saying what 12:19:48PM**  
17 **happened and him saying I don't know what 12:19:50PM**  
18 **happened? 12:19:52PM**  
19 MR. CONNOLLY: Objection to the form. 12:19:52PM  
20 A Pretty much. 12:19:54PM  
21 **Q Did you take any notes of that call? 12:19:57PM**  
22 MR. NOVIKOFF: Objection. Asked and 12:19:59PM  
23 answered. 12:20:00PM  
24 A No. 12:20:00PM  
25 **Q Did you speak with anybody else about 12:20:04PM**  
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1 **GEORGE HESSE**  
2 **the Halloween incident prior to coming in on 12:20:05PM**  
3 **Monday morning? 12:20:09PM**  
4 A No. 12:20:10PM  
5 **Q Did you have any other follow-up calls 12:20:11PM**  
6 **with Paradiso prior to coming in Monday morning? 12:20:12PM**  
7 A No. 12:20:15PM  
8 **Q Did you speak with Pat Cherry prior to 12:20:16PM**  
9 **coming in Monday morning? 12:20:19PM**  
10 A I don't believe so, no. 12:20:20PM  
11 **Q Did you speak with Gary Bosetti prior 12:20:21PM**  
12 **to coming in Monday morning? 12:20:23PM**  
13 A No. 12:20:25PM  
14 **Q Did you speak with Rich Bosetti prior 12:20:26PM**  
15 **to coming in Monday morning? 12:20:27PM**  
16 A No. 12:20:29PM  
17 **Q Did you have any communications or 12:20:39PM**  
18 **correspondence with anybody about the Halloween 12:20:41PM**  
19 **incident other than what you've testified to 12:20:43PM**  
20 **prior to coming in that Monday morning? 12:20:45PM**  
21 A Not that I recall, no. 12:20:47PM  
22 **Q And then you came to work that Monday? 12:20:53PM**  
23 A Correct. 12:20:55PM  
24 **Q Okay. What was the first thing you 12:20:55PM**  
25 **did with respect to the Halloween incident when 12:20:57PM**  
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1 **GEORGE HESSE**  
2 **you got to work that Monday? 12:20:59PM**  
3 A I read over the statements that were 12:21:01PM  
4 taken by Officer Fiorillo, Lamm and Snyder and 12:21:04PM  
5 the field report that was generated by Snyder. 12:21:07PM  
6 **Q Okay. Did you have a reaction to 12:21:15PM**  
7 **statements in the field report? 12:21:17PM**  
8 MR. NOVIKOFF: Objection. 12:21:20PM  
9 A A reaction? No, I wouldn't say I had 12:21:21PM  
10 a reaction. 12:21:27PM  
11 **Q What did you do after reviewing the 12:21:28PM**  
12 **statements in the field report with respect to 12:21:30PM**  
13 **the Halloween incident? 12:21:32PM**  
14 A I basically just sat there for a 12:21:33PM  
15 little while, mulling them over, scratching my 12:21:35PM  
16 head, reading them over and over again. Just 12:21:38PM  
17 waiting for something to pop. 12:21:41PM  
18 **Q Did you speak with anybody else at 12:21:44PM**  
19 **that time? 12:21:47PM**  
20 A That morning? I received a call from 12:21:47PM  
21 Chief Paradiso that morning. 12:21:51PM  
22 **Q Do you know what time? 12:21:53PM**  
23 A I'd like to say 8:30ish. 12:21:55PM  
24 **Q What time did you get there? 12:21:58PM**  
25 A I was there by 8. 12:21:59PM  
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1 **GEORGE HESSE**  
2 **Q Okay. So between 8 and 8:30, had you 12:22:01PM**  
3 **already read the statements in the field report? 12:22:03PM**  
4 A Yes. 12:22:06PM  
5 **Q And you were waiting for something to 12:22:07PM**  
6 **pop during that period? 12:22:09PM**  
7 A Yeah. 12:22:11PM  
8 **Q Between 8 and 8:30, did you speak with 12:22:11PM**  
9 **anybody prior to this call from Paradiso coming 12:22:14PM**  
10 **in about the Halloween incident? 12:22:18PM**  
11 A No. 12:22:20PM  
12 **Q What do you recall -- tell me the 12:22:24PM**  
13 **details of your call with Paradiso that morning. 12:22:26PM**  
14 A Well, he called me, and I basically 12:22:29PM  
15 said to him that there's not really much to go 12:22:33PM  
16 on yet, you know. The field report really 12:22:36PM  
17 didn't contain many names other than the three 12:22:38PM  
18 individuals that were claiming they were hit 12:22:42PM  
19 with a pool stick. 12:22:45PM  
20 **Q Anything else that was discussed 12:22:48PM**  
21 **between you and Paradiso during that call? 12:22:50PM**  
22 A Not that I recall. 12:22:52PM  
23 **Q How long did that call last? 12:22:53PM**  
24 A A few minutes. 12:22:55PM  
25 **Q Do you recall anything he said during 12:22:58PM**  
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1 **GEORGE HESSE**  
2 **that call? 12:22:59PM**  
3 A I don't recall exactly what he said, 12:23:00PM  
4 no. 12:23:02PM  
5 **Q How about generally, sum and 12:23:02PM**  
6 **substance? 12:23:04PM**  
7 A He just said investigate it and see 12:23:05PM  
8 what you can come up with. 12:23:06PM  
9 **Q Okay. What was the next thing you did 12:23:08PM**  
10 **with respect to the Halloween incident after 12:23:13PM**  
11 **that 8:30 call with Paradiso? 12:23:15PM**  
12 A I took a walk down to Houser's to see 12:23:17PM  
13 if anybody was around. 12:23:21PM  
14 **Q Did you go with anybody? 12:23:23PM**  
15 A No. 12:23:25PM  
16 **Q Who was on duty that morning? 12:23:28PM**  
17 A I was alone. 12:23:30PM  
18 **Q And you took a walk down to Houser's. 12:23:40PM**  
19 **What was the next thing you did? 12:23:42PM**  
20 A I peered in the windows, looked around 12:23:44PM  
21 to see if anybody was there. Nobody was around, 12:23:46PM  
22 and I just basically went back to the police 12:23:49PM  
23 station. 12:23:52PM  
24 **Q Okay. What was the next thing you did 12:23:56PM**  
25 **with respect to Halloween? 12:23:58PM**  
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1 **GEORGE HESSE**  
2 A I sat in the station, and I think I 12:24:02PM  
3 read the statements and everything again. And 12:24:04PM  
4 shortly thereafter, I believe it was around 12:24:08PM  
5 9:30, I had received a fax from a gentlemen 12:24:11PM  
6 named Bud Yager. 12:24:16PM  
7 **Q Had you known Bud Yager prior to 12:24:24PM**  
8 **receiving that fax? 12:24:28PM**  
9 A Yeah. Yes. 12:24:29PM  
10 **Q Who was he? 12:24:29PM**  
11 A He was a local resident that -- he 12:24:30PM  
12 worked in the -- I think he and his wife ran the 12:24:33PM  
13 movie theater. He was a projectionist for the 12:24:37PM  
14 movie theater. 12:24:41PM  
15 **Q Had you spoken to Bud Yager about 12:24:43PM**  
16 **Halloween prior to receiving the fax? 12:24:46PM**  
17 A No. 12:24:48PM  
18 **Q Had you known that Bud Yager was even 12:24:48PM**  
19 **in the bar prior to receiving that fax? 12:24:50PM**  
20 A No. 12:24:53PM  
21 **Q And the fax came to the police 12:24:59PM**  
22 **station? 12:25:00PM**  
23 A Yes. 12:25:01PM  
24 **Q And what was the sum and substance of 12:25:01PM**  
25 **that fax? 12:25:03PM**  
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**GEORGE HESSE**

A I guess he had heard that Gary Bosetti 12:25:03PM  
was fired for the incident, and he felt that the 12:25:06PM  
decision to fire Gary was incorrect. He felt 12:25:11PM  
that Gary Bosetti was a hero for saving his wife 12:25:13PM  
from injury or possible injury from a man that 12:25:18PM  
had attacked his wife. 12:25:22PM

**Q Prior to getting that fax, did you 12:25:24PM  
know that his wife was at the bar? 12:25:26PM**

A No, I didn't. No. 12:25:29PM

**Q What did you do with that fax other 12:25:41PM  
than for reading it? Did you disseminate it to 12:25:42PM  
anybody else? 12:25:45PM**

A No. I believe I called him -- 12:25:46PM  
actually, I tried to call him. Turns out he's a 12:25:48PM  
New York City fireman, and I tried to call him 12:25:52PM  
at the number that was listed on the fax. I got 12:25:55PM  
no response. And what I did is took a piece of 12:25:58PM  
paper and I wrote, you know, Bud, it's George 12:26:01PM  
from the police department. I just received 12:26:04PM  
your fax or something like that. Call me at 12:26:06PM  
this number. And I faxed it to the number that 12:26:09PM  
the fax came from. 12:26:12PM

**Q Did the fax go through? 12:26:15PM**

A Yeah, I think so. 12:26:17PM

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**GEORGE HESSE**

**Q Did you keep a copy of that responding 12:26:18PM  
fax that you sent? 12:26:21PM**

A No, I don't think I did. 12:26:23PM

**Q What did you do with it? 12:26:24PM**

A I don't remember. 12:26:26PM

**Q What was the next thing that you did 12:26:32PM  
with respect to Halloween after sending the fax 12:26:34PM  
back to Bud Yager? 12:26:36PM**

A I believe I got a call back within 5 12:26:39PM  
or 10 minutes from Bud Yager, and we just talked 12:26:43PM  
about what he had sent me. 12:26:50PM

**Q Okay. What did Bud Yager tell you in 12:26:51PM  
that call? 12:26:53PM**

A Basically, he reiterated what was in 12:26:54PM  
his letter to the police department; and I asked 12:26:57PM  
if I could speak to his wife, if she would call 12:27:01PM  
me. 12:27:04PM

**Q Did you take any notes of that call 12:27:09PM  
with Bud Yager? 12:27:11PM**

A No. 12:27:12PM

**Q Why not? 12:27:12PM**

A I didn't. 12:27:14PM

**Q How come? 12:27:15PM**

MR. CONNOLLY: Objection. 12:27:21PM

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**GEORGE HESSE**

You can answer. 12:27:22PM

A I didn't think it was necessary to 12:27:23PM  
take notes. I had his letter in front of me. 12:27:24PM

**Q Did you consider that call as part of 12:27:28PM  
your investigation? 12:27:31PM**

A Yeah. 12:27:32PM

**Q Do you recall anything else that was 12:27:36PM  
discussed in that phone call? 12:27:38PM**

A I wanted to speak to his wife. 12:27:41PM

**Q Did you know his wife? 12:27:44PM**

A Just vaguely. 12:27:46PM

**Q How did you know her? 12:27:48PM**

A Like I said, he and his wife ran the 12:27:50PM  
movie theater, and I just knew them in passing. 12:27:53PM

**Q Did you ask Bud Yager whether he had 12:28:10PM  
been drinking that night? 12:28:14PM**

A I don't recall. I don't think so. 12:28:17PM

**Q Would that be important to know, 12:28:19PM  
whether somebody who sent you a facsimile 12:28:20PM  
reiterating a story that happened was drinking? 12:28:24PM**

MR. NOVIKOFF: Was what? 12:28:27PM

MR. GOODSTADT: Whether it was 12:28:28PM  
important to know whether a person who faxed 12:28:29PM  
you a story reiterating what happened, 12:28:32PM

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**GEORGE HESSE**

whether that person was drinking or not. 12:28:34PM

MR. NOVIKOFF: Objection to form. 12:28:37PM

MR. CONNOLLY: I'm assuming drinking 12:28:38PM  
alcoholic beverages. 12:28:40PM

MR. GOODSTADT: Yeah. 12:28:42PM

MR. CONNOLLY: To the point of 12:28:43PM  
intoxication. 12:28:44PM

MR. GOODSTADT: Just drinking at all. 12:28:44PM

A It may have been important. 12:28:45PM

**Q Why didn't you ask him? 12:28:47PM**

A I don't know why I didn't ask him. 12:28:49PM

**Q In fact, if he had been drinking to 12:28:51PM  
the point of intoxication, it could've affected 12:28:52PM  
his ability to recollect facts, correct? 12:28:55PM**

MR. NOVIKOFF: Objection. 12:28:58PM

A It may have. 12:28:59PM

**Q Did Bud Yager mention anything about 12:29:01PM  
Gary Bosetti using a pool cue? 12:29:05PM**

A No. I don't recall. 12:29:09PM

**Q Did Bud Yager indicate that he 12:29:12PM  
actually saw the altercation? 12:29:14PM**

A I believe he said that he did not see 12:29:16PM  
the actual altercation in the beginning or the 12:29:18PM  
beginning part of the altercation. 12:29:22PM

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1 GEORGE HESSE  
2 **Q When you say the beginning part, what** 12:29:24PM  
3 **part are you referring to?** 12:29:26PM  
4 A The part where his wife was choked. 12:29:27PM  
5 **Q Did you ask him where he got the** 12:29:35PM  
6 **information from that his wife was being choked?** 12:29:37PM  
7 MR. NOVIKOFF: Objection to form. 12:29:40PM  
8 You mean to the extent it wasn't 12:29:41PM  
9 contained in the statement? 12:29:42PM  
10 MR. GOODSTADT: He didn't personally 12:29:44PM  
11 see it, so I want to know -- 12:29:46PM  
12 MR. NOVIKOFF: Well, I'm saying to the 12:29:46PM  
13 extent that that answer was not contained 12:29:47PM  
14 within the statement. 12:29:49PM  
15 MR. GOODSTADT: Whether it is or 12:29:50PM  
16 isn't, did you ask him the question. 12:29:51PM  
17 MR. NOVIKOFF: Fair enough. 12:29:54PM  
18 A He said his wife had told him what had 12:29:55PM  
19 happened. 12:29:57PM  
20 **Q Did you ask whether his wife was** 12:30:01PM  
21 **drinking?** 12:30:03PM  
22 A No, I don't think so. 12:30:05PM  
23 **Q Sitting here today, do you know** 12:30:07PM  
24 **whether Bud Yager was drinking that night?** 12:30:08PM  
25 A I don't know. 12:30:11PM  
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1 GEORGE HESSE  
2 **Q How many times?** 12:30:58PM  
3 A Hundreds. 12:30:59PM  
4 **Q Hundreds of times?** 12:31:00PM  
5 A Hundreds of fights. 12:31:02PM  
6 **Q Did you ever investigate any fights** 12:31:04PM  
7 **not at the scene but afterwards?** 12:31:07PM  
8 MR. NOVIKOFF: Objection to form. I 12:31:10PM  
9 have no idea what that question means. 12:31:11PM  
10 BY MR. GOODSTADT: 12:31:13PM  
11 **Q Well, your investigation didn't happen** 12:31:14PM  
12 **at the scene, right?** 12:31:16PM  
13 A Yes. 12:31:18PM  
14 **Q It happened afterwards?** 12:31:18PM  
15 A Right. 12:31:18PM  
16 **Q Do you understand the question I was** 12:31:20PM  
17 **asking?** 12:31:21PM  
18 A I understand. 12:31:21PM  
19 MR. NOVIKOFF: Well, I think that an 12:31:22PM  
20 investigation can only take place after the 12:31:23PM  
21 event occurred. 12:31:26PM  
22 MR. GOODSTADT: Or at the scene. 12:31:28PM  
23 MR. NOVIKOFF: After the event 12:31:30PM  
24 occurred. 12:31:31PM  
25 MR. GOODSTADT: Right. 12:31:31PM  
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1 GEORGE HESSE  
2 **Q Do you know whether Jeanne Yager was** 12:30:11PM  
3 **drinking that night?** 12:30:14PM  
4 A I don't know. 12:30:15PM  
5 **Q Did he tell you he witnessed any part** 12:30:15PM  
6 **of the altercation or the Halloween incident?** 12:30:18PM  
7 A I don't recall. 12:30:22PM  
8 **Q Did you ask him whether he witnessed** 12:30:25PM  
9 **any of it?** 12:30:27PM  
10 A I believe I did. 12:30:28PM  
11 **Q And you don't recall what his answer** 12:30:29PM  
12 **was?** 12:30:31PM  
13 A No, I don't. 12:30:31PM  
14 **Q How many investigations had you** 12:30:32PM  
15 **performed prior to investigating the Halloween** 12:30:34PM  
16 **incident?** 12:30:37PM  
17 A I don't know. 12:30:38PM  
18 **Q Had you performed any investigations** 12:30:40PM  
19 **prior to the Halloween incident?** 12:30:42PM  
20 A Sure, I had. 12:30:43PM  
21 **Q Did you ever investigate any incident** 12:30:44PM  
22 **dealing with an off-duty police officer?** 12:30:47PM  
23 A I don't think so, no. 12:30:51PM  
24 **Q Had you ever investigated a fight?** 12:30:52PM  
25 A Yes. 12:30:57PM  
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1 GEORGE HESSE  
2 MR. NOVIKOFF: Right. Okay. 12:31:31PM  
3 A Repeat your question. 12:31:31PM  
4 **Q How many of those investigations** 12:31:34PM  
5 **happened not at the scene but afterwards?** 12:31:36PM  
6 MR. NOVIKOFF: Objection. 12:31:40PM  
7 A I'd say a majority. 12:31:40PM  
8 **Q A majority?** 12:31:42PM  
9 A Yeah. 12:31:43PM  
10 **Q Does Ocean Beach have an internal** 12:31:43PM  
11 **affairs?** 12:31:45PM  
12 A No. 12:31:48PM  
13 **Q Does --** 12:31:49PM  
14 MR. CONNOLLY: Department, I assume. 12:31:50PM  
15 MR. GOODSTADT: Department, yeah. 12:31:51PM  
16 Bureau or whatever it is. 12:31:52PM  
17 BY MR. GOODSTADT: 12:31:53PM  
18 **Q Is there any -- does Suffolk County** 12:31:54PM  
19 **internal affairs oversee Ocean Beach?** 12:31:59PM  
20 A No. Not that I'm aware of, no. 12:32:06PM  
21 **Q Do you know whether there's ever been** 12:32:09PM  
22 **an internal affairs investigation with respect** 12:32:10PM  
23 **to any current or former officer in Ocean Beach?** 12:32:12PM  
24 A With the internal affairs unit of 12:32:17PM  
25 Suffolk County PD? No. 12:32:20PM  
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1 GEORGE HESSE  
2 **Q Or any internal affairs unit. 12:32:21PM**  
3 A Not that I'm aware of. 12:32:24PM  
4 **Q Did you call anybody at Suffolk County 12:32:26PM**  
5 **Police with respect to the Halloween incident? 12:32:28PM**  
6 MR. NOVIKOFF: Objection to form. 12:32:32PM  
7 A No. 12:32:33PM  
8 **Q Did you involve Suffolk County Police 12:32:34PM**  
9 **at all with respect to Halloween incident? 12:32:35PM**  
10 MR. NOVIKOFF: Objection. Foundation. 12:32:38PM  
11 A No. 12:32:39PM  
12 **Q Did you involve the D.A., County 12:32:40PM**  
13 **District Attorney, with respect to the Halloween 12:32:43PM**  
14 **incident? 12:32:45PM**  
15 MR. NOVIKOFF: Objection. 12:32:46PM  
16 A Yes. 12:32:46PM  
17 **Q In what capacity? 12:32:47PM**  
18 A At the completion of the 12:32:48PM  
19 investigation, I turned all documents over to 12:32:49PM  
20 the D.A.'s office, the prosecutor that's 12:32:51PM  
21 assigned to the village for review. 12:32:54PM  
22 **Q Who was the prosecutor assigned to the 12:32:56PM**  
23 **village at the time? 12:32:59PM**  
24 A It may -- you know, I think it was -- 12:33:02PM  
25 it's coming to me. Natalie -- no. Any other 12:33:09PM  
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1 GEORGE HESSE  
2 day I can remember her name. Mallory Sullivan. 12:33:15PM  
3 **Q She was an investigator or is she an 12:33:29PM**  
4 **assistant District Attorney? 12:33:30PM**  
5 A She's an ADA. ADA. 12:33:32PM  
6 You know what, I'm sorry. It may have 12:33:37PM  
7 been Beth Grasso. Because they kind of work 12:33:39PM  
8 back to back, but I think it was Beth Grasso. 12:33:45PM  
9 **Q Were there any District Attorney 12:33:48PM**  
10 **investigators involved in the Halloween 12:33:51PM**  
11 **incident? 12:33:53PM**  
12 MR. NOVIKOFF: Objection. 12:33:54PM  
13 A Not that I'm aware of. 12:33:55PM  
14 MR. CONNOLLY: Andrew, after you 12:34:11PM  
15 complete this line of questioning, it's 12:34:12PM  
16 12:30. 12:34:14PM  
17 MR. NOVIKOFF: I don't think he's 12:34:17PM  
18 completing this line of questioning for a 12:34:18PM  
19 couple of hours. 12:34:20PM  
20 MR. GOODSTADT: Yeah. Let me just 12:34:21PM  
21 finish on Mr. Yager, and then we'll take our 12:34:23PM  
22 break, call the court and do what we have to 12:34:26PM  
23 do. 12:34:30PM  
24 BY MR. GOODSTADT: 12:34:38PM  
25 **Q What was the next thing that happened 12:34:38PM**  
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1 GEORGE HESSE  
2 **with respect to the Halloween incident after you 12:34:39PM**  
3 **told Bud Yager that you'd like to speak with his 12:34:42PM**  
4 **wife? 12:34:46PM**  
5 A I believe his wife had called me. 12:34:46PM  
6 **Q Okay. And when was that? 12:34:48PM**  
7 A That same day. The time frame, 12:34:50PM  
8 though, from when I was talking to him until she 12:34:52PM  
9 called may have been within an hour. 12:34:56PM  
10 **Q Okay. 12:34:58PM**  
11 MR. GOODSTADT: Mark this, please. 12:35:01PM  
12 (Whereupon, Bates document 3180 was 12:35:03PM  
13 marked as Plaintiff's Exhibit 14 for 12:35:03PM  
14 identification, as of this date.) 12:35:03PM  
15 MR. GOODSTADT: I've placed in front 12:35:54PM  
16 of Mr. Hesse what's been marked as Hesse 14. 12:35:55PM  
17 It's a one-page exhibit bearing Bates 3180. 12:35:57PM  
18 (Handing.) 12:36:01PM  
19 BY MR. GOODSTADT: 12:36:02PM  
20 **Q Mr. Hesse, is this the fax that you 12:36:03PM**  
21 **received or a copy of the fax that you received 12:36:04PM**  
22 **from Bud Yager? 12:36:06PM**  
23 A It looks like it, yes. 12:36:08PM  
24 **Q And this is the document you testified 12:36:09PM**  
25 **to before that you had reviewed before calling 12:36:12PM**  
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1 GEORGE HESSE  
2 **him? 12:36:15PM**  
3 A Yes. 12:36:15PM  
4 **Q Or before faxing it over -- before 12:36:16PM**  
5 **faxing a request for him to call you? 12:36:17PM**  
6 A Yes. 12:36:20PM  
7 **Q And the -- if you look at the whole -- 12:36:21PM**  
8 **just the first paragraph up until the last four 12:36:25PM**  
9 **lines, do you see that? Did you read that? 12:36:31PM**  
10 A Which part? 12:36:35PM  
11 **Q The part that starts -- you know, on 12:36:36PM**  
12 **the first line that says "on Saturday night," 12:36:38PM**  
13 **all the way through to four lines up from the 12:36:40PM**  
14 **end of that first paragraph. 12:36:43PM**  
15 MR. CONNOLLY: You mean second 12:36:46PM  
16 sentence? 12:36:47PM  
17 MR. GOODSTADT: All of the sentences, 12:36:48PM  
18 starting on the second sentences. 12:36:50PM  
19 A That entire paragraph you're talking 12:36:54PM  
20 about? 12:36:55PM  
21 **Q Yeah, yeah. Up until the sentence 12:36:56PM**  
22 **that ends with the parenthetical that says "to 12:36:56PM**  
23 **go to the ladies' room." 12:36:59PM**  
24 A "Then she knocked on the door." Okay. 12:37:04PM  
25 **Q Okay. You read that whole paragraph 12:37:07PM**  
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1 **GEORGE HESSE**  
2 **up until that line?** 12:37:11PM  
3 A You're talking about from "on 12:37:13PM  
4 Saturday" to "she knocked on the door"? Or you 12:37:14PM  
5 want me to read the entire paragraph? 12:37:18PM  
6 **Q Yeah, keep going.** 12:37:20PM  
7 A Okay. 12:37:37PM  
8 **Q Now, up until that sentence that ends** 12:37:38PM  
9 **"to go to the ladies' room" -- do you see that?** 12:37:40PM  
10 **Bud Yager told you he did not witness any of** 12:37:44PM  
11 **that, correct?** 12:37:46PM  
12 MR. NOVIKOFF: Objection. 12:37:48PM  
13 A Yeah, I believe that's what he said to 12:37:50PM  
14 me. 12:37:51PM  
15 **Q And then the next sentence that says,** 12:37:52PM  
16 **"With that, this man lunged at my wife with his** 12:37:53PM  
17 **hands on my wife's throat. Jeanne was knocked** 12:37:55PM  
18 **into the men's room door."** 12:37:57PM  
19 **Do you see that?** 12:37:59PM  
20 A Yes. 12:37:59PM  
21 **Q Again, he did not -- he told you he** 12:38:00PM  
22 **did not witness that, correct?** 12:38:02PM  
23 A Right. 12:38:03PM  
24 **Q Then next sentence says, "Ocean Beach** 12:38:04PM  
25 **Police Officer Gary Bosetti saw the situation** 12:38:05PM  
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1 **GEORGE HESSE**  
2 MR. CONNOLLY: Based upon what he told 12:38:51PM  
3 you? 12:38:53PM  
4 THE WITNESS: Correct. 12:38:53PM  
5 BY MR. GOODSTADT: 12:38:55PM  
6 **Q Did you ask him whether he saw Gary** 12:38:55PM  
7 **Bosetti use a pool cue at any point?** 12:38:59PM  
8 A I don't recall if I did or not. 12:39:01PM  
9 **Q Did he mention anything about a pool** 12:39:03PM  
10 **cue in your discussions?** 12:39:04PM  
11 A I don't recall if he did or not. 12:39:06PM  
12 **Q Did you ask Bud Yager why he hadn't** 12:39:12PM  
13 **spoken to any of the police officers who showed** 12:39:17PM  
14 **up that night?** 12:39:19PM  
15 MR. NOVIKOFF: Objection to form. 12:39:20PM  
16 BY MR. GOODSTADT: 12:39:21PM  
17 **Q The on-duty police officers?** 12:39:21PM  
18 MR. NOVIKOFF: Objection to form. 12:39:24PM  
19 A I don't recall if I asked him that or 12:39:25PM  
20 not. 12:39:27PM  
21 **Q Did you ask him why he didn't give a** 12:39:27PM  
22 **statement that night to the police?** 12:39:29PM  
23 MR. NOVIKOFF: Objection to form. 12:39:32PM  
24 A I don't recall if I did or not. 12:39:33PM  
25 **Q Do you know whether he gave a** 12:39:35PM  
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1 **GEORGE HESSE**  
2 **and immediately took action."** 12:38:12PM  
3 **Do you see that?** 12:38:13PM  
4 A Uh-huh. Yes. 12:38:14PM  
5 **Q Did he tell you that he actually** 12:38:14PM  
6 **saw -- did Bud Yager tell you he actually saw** 12:38:14PM  
7 **Gary Bosetti take action?** 12:38:17PM  
8 A No. 12:38:18PM  
9 **Q Did he tell you he didn't see Gary** 12:38:18PM  
10 **Bosetti take action?** 12:38:21PM  
11 A I believe he said he didn't see the 12:38:22PM  
12 incident. 12:38:24PM  
13 **Q And the next sentence says, "He** 12:38:25PM  
14 **subdued this drunken individual."** 12:38:27PM  
15 **Do you see that?** 12:38:29PM  
16 A Yes. 12:38:29PM  
17 **Q Did he tell you that he saw Gary** 12:38:29PM  
18 **Bosetti subdue the drunken individual?** 12:38:30PM  
19 A I believe he didn't. 12:38:33PM  
20 **Q He told you that he did not see him?** 12:38:33PM  
21 A He did not. 12:38:36PM  
22 **Q So is there any -- any facts that he's** 12:38:37PM  
23 **stating about what happened the night before did** 12:38:43PM  
24 **he actually see?** 12:38:48PM  
25 A I believe no. 12:38:50PM  
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1 **GEORGE HESSE**  
2 **statement that night to the police?** 12:39:37PM  
3 A I'm assuming no, because there's 12:39:39PM  
4 though statement. 12:39:41PM  
5 **Q Now, I see that this memo is addressed** 12:39:45PM  
6 **to Chief Paradiso.** 12:39:47PM  
7 **Do you see that?** 12:39:48PM  
8 A Yes. 12:39:49PM  
9 **Q Did you inform Chief Paradiso that** 12:39:50PM  
10 **this memo came in?** 12:39:51PM  
11 A Yes. 12:39:53PM  
12 **Q When?** 12:39:54PM  
13 A I don't recall when. 12:39:54PM  
14 **Q Was it on that day?** 12:39:55PM  
15 A Yes. 12:39:56PM  
16 **Q Was it before you faxed back to Bud** 12:39:56PM  
17 **Yager, please call me?** 12:40:00PM  
18 A I think it was after. 12:40:02PM  
19 **Q Do you recall Paradiso's response when** 12:40:04PM  
20 **you told him this fax came in?** 12:40:06PM  
21 A I don't remember his response. 12:40:08PM  
22 **Q Did you tell Paradiso about it before** 12:40:10PM  
23 **or after you actually spoke with Bud Yager?** 12:40:12PM  
24 A It may have been after I spoke to Bud. 12:40:16PM  
25 **Q Did you ask him how he heard that Rich** 12:40:21PM  
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1 **GEORGE HESSE**  
2 **Bosetti lost his job -- strike that. 12:40:23PM**  
3 **Did you ask him how he learned that 12:40:26PM**  
4 **Gary Bosetti lost his job? 12:40:29PM**  
5 MR. NOVIKOFF: You're talking about 12:40:32PM  
6 Bud Yager now? 12:40:33PM  
7 MR. GOODSTADT: Bud Yeager. 12:40:34PM  
8 MR. NOVIKOFF: Okay. 12:40:35PM  
9 A Now, I don't recall if I did. 12:40:35PM  
10 **Q Did you tell you how he learned that? 12:40:36PM**  
11 A I don't recall. 12:40:40PM  
12 **Q Do you know whether anyone asked him 12:40:41PM**  
13 **to send in a statement? 12:40:43PM**  
14 A No. 12:40:46PM  
15 **Q Did you take any notes of your phone 12:40:47PM**  
16 **call with Yager? 12:40:49PM**  
17 MR. CONNOLLY: Objection. Asked and 12:40:50PM  
18 answered. 12:40:51PM  
19 MR. NOVIKOFF: Objection. Asked and 12:40:52PM  
20 answered. 12:40:53PM  
21 A No. 12:40:54PM  
22 **Q You didn't? 12:40:54PM**  
23 **How long did that call last? 12:40:56PM**  
24 MR. CONNOLLY: Objection. Asked and 12:40:57PM  
25 answered. 12:40:58PM  
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1 **GEORGE HESSE**  
2 **call, did you ever speak with Bud Yager on any 12:42:06PM**  
3 **other occasion about Halloween? 12:42:09PM**  
4 MR. NOVIKOFF: About the Halloween 12:42:11PM  
5 incident. 12:42:12PM  
6 MR. GOODSTADT: Yeah. 12:42:13PM  
7 MR. NOVIKOFF: Okay. 12:42:16PM  
8 A You know, I don't believe I spoke to 12:42:17PM  
9 him again after that day. 12:42:18PM  
10 **Q About anything? 12:42:23PM**  
11 A Yeah, I don't believe so. 12:42:25PM  
12 **Q As the investigator -- strike that. 12:42:27PM**  
13 **Were you the only investigator at this 12:42:30PM**  
14 **time on the case? 12:42:31PM**  
15 A At this point, yes. 12:42:32PM  
16 **Q Okay. As the sole investigator, how 12:42:33PM**  
17 **come you didn't take any notes with respect to 12:42:36PM**  
18 **your interaction with Mr. Yager? 12:42:38PM**  
19 MR. NOVIKOFF: Objection to form. I 12:42:41PM  
20 think it's asked and answered, but form as 12:42:42PM  
21 well. 12:42:44PM  
22 A Yeah, like I said, I didn't think it 12:42:45PM  
23 was necessary because all I would've been doing 12:42:46PM  
24 was rewriting basically what he had already sent 12:42:49PM  
25 me. 12:42:53PM  
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1 **GEORGE HESSE**  
2 But you can answer. 12:40:58PM  
3 A It was several minutes. I don't 12:41:00PM  
4 really recall how long it was. 12:41:01PM  
5 **Q Did you ask him what he did after 12:41:15PM**  
6 **leaving Houser's that night? 12:41:18PM**  
7 A You know, I don't recall if I did or 12:41:20PM  
8 not. 12:41:22PM  
9 **Q Did he tell you what he did after he 12:41:22PM**  
10 **left Houser's? 12:41:25PM**  
11 A I don't recall. 12:41:26PM  
12 **Q Did you credit his statement as part 12:41:32PM**  
13 **of your investigation? 12:41:34PM**  
14 A Did I credit? 12:41:36PM  
15 **Q Yeah. Did you believe the statement? 12:41:38PM**  
16 A I believed it, yes. 12:41:41PM  
17 **Q Did you give it any weight in terms of 12:41:43PM**  
18 **reaching a conclusion to your investigation? 12:41:45PM**  
19 MR. NOVIKOFF: Objection to form. 12:41:48PM  
20 A It gave me a way to go. 12:41:49PM  
21 **Q What do you mean by that? 12:41:51PM**  
22 A It gave me a lead on what may have 12:41:52PM  
23 transpired that night to precipitate what 12:41:55PM  
24 everybody was claiming about Gary Bosetti. 12:42:00PM  
25 **Q And other than for that one phone 12:42:05PM**  
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1 **GEORGE HESSE**  
2 MR. GOODSTADT: This would be a good 12:42:53PM  
3 time to take that break. 12:42:54PM  
4 MR. CONNOLLY: Sure. 12:42:55PM  
5 MR. NOVIKOFF: Okay. 12:42:56PM  
6 THE VIDEOGRAPHER: The time is 12:44. 12:42:57PM  
7 We're off the record. 12:42:59PM  
8 (Whereupon, a lunch break was taken.) 12:43:00PM  
9 THE VIDEOGRAPHER: The time is 1:47. 1:45:52PM  
10 We're on the record. 1:45:52PM  
11 BY MR. GOODSTADT: 1:45:55PM  
12 **Q Mr. Hesse, before our break, you had 1:45:56PM**  
13 **mentioned that on the Sunday before going back 1:45:59PM**  
14 **to the beach on Monday after Halloween, that you 1:46:02PM**  
15 **reached out to Fiorillo, you spoke with him, and 1:46:07PM**  
16 **you reached out to Lamm and spoke with him, 1:46:09PM**  
17 **correct? 1:46:13PM**  
18 A Correct. 1:46:13PM  
19 **Q Okay. Did you reach out to Snyder? 1:46:13PM**  
20 A I believe I tried. I was unable to 1:46:15PM  
21 get into contact with him. 1:46:20PM  
22 **Q So did you speak with him at all 1:46:21PM**  
23 **before coming back to the beach that Monday? 1:46:23PM**  
24 A I don't recall. 1:46:26PM  
25 **Q You don't recall one way or the other? 1:46:26PM**  
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1 **GEORGE HESSE**  
2 A No. 1:46:28PM  
3 **Q Okay. And I just point you back to 1:46:29PM**  
4 **Hesse 14. Do you see that there's an indicated 1:46:32PM**  
5 **copy to Natalie Rogers? 1:46:36PM**  
6 **Do you see that? 1:46:37PM**  
7 A Yes, I do. 1:46:38PM  
8 **Q Do you know whether she ever received 1:46:39PM**  
9 **a copy of this memo? 1:46:41PM**  
10 A I do not. 1:46:43PM  
11 **Q Did you ever speak to her about this 1:46:43PM**  
12 **memo? 1:46:45PM**  
13 A I don't think, no. 1:46:46PM  
14 **Q Did you ever speak with Natalie Rogers 1:46:47PM**  
15 **at all about the Halloween incident? 1:46:49PM**  
16 A I don't recall. 1:46:52PM  
17 **Q So you don't recall one way or the 1:46:53PM**  
18 **other? 1:46:54PM**  
19 A No. 1:46:55PM  
20 **Q Did you ever speak with Joe Loeffler 1:46:55PM**  
21 **about the Halloween incident? 1:46:57PM**  
22 A Yes. 1:46:59PM  
23 **Q When did you speak with him about 1:47:01PM**  
24 **Halloween? 1:47:02PM**  
25 A I think it was a week after. 1:47:05PM  
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1 **GEORGE HESSE**  
2 A Probably -- it was within the last two 1:48:08PM  
3 years at some point. I don't know specifically 1:48:09PM  
4 with the dates. 1:48:11PM  
5 **Q After you were served with the 1:48:12PM**  
6 **complaint in this lawsuit or before? 1:48:14PM**  
7 A I think so, yes. 1:48:16PM  
8 **Q What did he say about that? 1:48:17PM**  
9 A He said that he was in the police 1:48:19PM  
10 station. I guess he was running rescue that 1:48:20PM  
11 night and he was the ambulance driver, and he 1:48:23PM  
12 was inside the police station at some point. 1:48:25PM  
13 **Q Did he tell you anything he witnessed 1:48:28PM**  
14 **inside the police station or anything that was 1:48:29PM**  
15 **said? 1:48:31PM**  
16 A Not that I recall, no. 1:48:32PM  
17 **Q What did he say to you about his 1:48:33PM**  
18 **experience being at the police station that 1:48:35PM**  
19 **night? 1:48:36PM**  
20 A He basically just said he walked in 1:48:37PM  
21 and dropped off some bags, and he went back out 1:48:39PM  
22 into the rig to watch the rig, just to watch the 1:48:42PM  
23 ambulance. He's the driver, so... 1:48:47PM  
24 **Q Did he discuss with you at all the 1:48:49PM**  
25 **injuries that were sustained by anybody who was 1:48:51PM**  
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1 **GEORGE HESSE**  
2 **Q Was that on the phone or in person? 1:47:09PM**  
3 A I believe it was in person. 1:47:11PM  
4 **Q Where were you located? 1:47:13PM**  
5 A In the police station. 1:47:15PM  
6 **Q Was he there specifically to speak 1:47:19PM**  
7 **about the Halloween incident or was he there on 1:47:21PM**  
8 **some other business? 1:47:24PM**  
9 MR. NOVIKOFF: Objection. 1:47:26PM  
10 A I don't recall. 1:47:27PM  
11 **Q Tell me everything you recall 1:47:29PM**  
12 **discussing with Joe Loeffler during that 1:47:30PM**  
13 **conversation. 1:47:33PM**  
14 A I think I just pretty much told him 1:47:33PM  
15 the story of what was going on with the incident 1:47:36PM  
16 and basically what I had found out, and that was 1:47:40PM  
17 pretty much it. He just said good job, pretty 1:47:46PM  
18 much, and walked out. 1:47:49PM  
19 **Q Did he tell you that he was at the 1:47:50PM**  
20 **police station that night? 1:47:52PM**  
21 A You know, I don't recall if he did. 1:47:54PM  
22 **Q Did you ever discuss with him the fact 1:47:56PM**  
23 **that he was at the police station that night? 1:47:58PM**  
24 A Yes. 1:48:00PM  
25 **Q When did you discuss that with him? 1:48:01PM**  
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1 **GEORGE HESSE**  
2 **in the altercation? 1:48:53PM**  
3 MR. NOVIKOFF: Objection. Form. 1:48:55PM  
4 A Not that I recall. 1:48:56PM  
5 **Q During the break that we just took, 1:49:04PM**  
6 **did you speak with Ken Novikoff at all? 1:49:06PM**  
7 A I think so, yeah. 1:49:10PM  
8 **Q What was discussed between you and 1:49:11PM**  
9 **Mr. Novikoff? 1:49:13PM**  
10 A I don't recall, to tell you the truth. 1:49:15PM  
11 Small talk. 1:49:17PM  
12 **Q You don't recall anything that was 1:49:18PM**  
13 **discussed in small talk? 1:49:20PM**  
14 A No. 1:49:21PM  
15 **Q So you don't recall a conversation 1:49:22PM**  
16 **that happened between 10 and 40 minutes ago? 1:49:23PM**  
17 A No. I think we were just talking 1:49:28PM  
18 about allowing you more time and calling the 1:49:30PM  
19 judge. Most of the conversation was between 1:49:33PM  
20 counsel. 1:49:34PM  
21 **Q Anything else you recall of a 1:49:37PM**  
22 **discussion between you and Mr. Novikoff? 1:49:39PM**  
23 A No. 1:49:43PM  
24 **Q So after you spoke with Bud Yager, you 1:49:47PM**  
25 **testified that his wife called back an hour 1:49:52PM**  
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GEORGE HESSE

**later, approximately; is that correct? 1:49:55PM**

A I think it was within an hour. 1:49:56PM

**Q Okay. Did you do anything with 1:49:58PM**

**respect to the Halloween incident between the 1:49:59PM**

**time you hung up with Bud Yager and the time 1:50:01PM**

**that Jeanne Yager called? 1:50:04PM**

A I believe I said I had walked down 1:50:05PM

to -- no, no, that was before Bud's fax. No. I 1:50:07PM

think I just -- I was waiting for her phone 1:50:10PM

call. 1:50:15PM

**Q Did you reach out to Snyder at all 1:50:19PM**

**during that period? 1:50:21PM**

A No. 1:50:22PM

**Q When was the first time that another 1:50:24PM**

**officer came on duty that morning? 1:50:26PM**

A I don't believe one did. 1:50:28PM

**Q And then at some point Jeanne Yager 1:50:36PM**

**called you? 1:50:39PM**

A Yes. 1:50:39PM

**Q Tell me everything you recall during 1:50:40PM**

**that phone conversation. 1:50:41PM**

A I basically just told her to tell me 1:50:43PM

what her story was, what happened. She 1:50:46PM

explained to me what had occurred, and I asked 1:50:50PM

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GEORGE HESSE

her to put that down in writing and fax it to me 1:50:54PM

if she could. 1:50:56PM

**Q Did you take any notes of what she 1:51:01PM**

**explained to you occurred? 1:51:04PM**

A No. 1:51:05PM

**Q How long was the call? 1:51:05PM**

A It was over the course of several 1:51:07PM

minutes. 1:51:09PM

**Q Just so I'm clear, you're the sole 1:51:11PM**

**investigator on the case, you have a phone 1:51:14PM**

**conversation with an alleged victim of a 1:51:17PM**

**choking, and you didn't take any notes; is that 1:51:20PM**

**correct? 1:51:22PM**

A That's correct. 1:51:23PM

MR. CONNOLLY: Objection. 1:51:24PM

BY MR. GOODSTADT: 1:51:25PM

**Q What did she tell you on that call? 1:51:25PM**

A She basically said that she was 1:51:29PM

standing first in line for the women's bathroom. 1:51:30PM

That she was waiting for a long time, several 1:51:35PM

minutes, maybe 15 minutes. She kept knocking on 1:51:37PM

the door with no response. A line had developed 1:51:41PM

behind her of other women waiting to go to the 1:51:44PM

bathroom. Eventually, the door flew open. A 1:51:47PM

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GEORGE HESSE

young lady came out and said something about 1:51:52PM

killing you, you old bitch or something like 1:51:54PM

that, to that effect, or you should die, 1:51:57PM

something like that. And then apparently a 1:52:01PM

boyfriend, a friend of this young female, had 1:52:05PM

come out of the bathroom and didn't say 1:52:08PM

anything, was holding onto the door, I believe, 1:52:12PM

and then lunged at Jeanne, grabbed her by the 1:52:14PM

throat and threw her into the wall or door of 1:52:18PM

the men's room and was banging her off the wall. 1:52:21PM

Then she said that Gary Bosetti came 1:52:25PM

over, grabbed the person off of her, put him 1:52:27PM

down on the floor and stopped him from choking 1:52:31PM

her. 1:52:34PM

**Q Did she actually see Gary Bosetti put 1:52:35PM**

**him down on the floor? 1:52:37PM**

MR. NOVIKOFF: Objection. 1:52:39PM

A I don't know. I'd have to read her 1:52:40PM

statement again. 1:52:42PM

**Q Well, sitting here, do you recall one 1:52:42PM**

**way or the other whether she told you that? 1:52:44PM**

A No, I don't recall. 1:52:46PM

**Q Did you ask her whether she was 1:52:47PM**

**drinking that night? 1:52:49PM**

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GEORGE HESSE

A No, I don't recall if I did or not. 1:52:50PM

**Q Why wouldn't you ask her that? 1:52:52PM**

A I didn't think it was relevant. 1:52:55PM

**Q You don't think it was relevant that 1:52:57PM**

**somebody is giving you an eyewitness statement, 1:52:59PM**

**you don't think it was relevant whether that 1:53:01PM**

**person had been drinking during the incident 1:53:03PM**

**that they were giving you an eyewitness 1:53:05PM**

**statement about? 1:53:07PM**

MR. CONNOLLY: Objection. Asked and 1:53:07PM

answered. 1:53:08PM

A I didn't ask her that. 1:53:09PM

**Q I just want to be -- make sure I'm 1:53:10PM**

**clear that's your answer there? 1:53:10PM**

MR. NOVIKOFF: Oh, I think he's been 1:53:12PM

crystal clear three times already. 1:53:12PM

MR. CONNOLLY: Objection. 1:53:14PM

BY MR. GOODSTADT: 1:53:14PM

**Q You didn't think it was relevant; is 1:53:14PM**

**that correct? 1:53:16PM**

A I did not ask her. 1:53:16PM

MR. CONNOLLY: Objection. 1:53:17PM

MR. NOVIKOFF: Objection. 1:53:17PM

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1 GEORGE HESSE  
2 BY MR. GOODSTADT: 1:53:17PM  
3 **Q You didn't think it was relevant? You** 1:53:18PM  
4 **can answer.** 1:53:18PM  
5 MR. NOVIKOFF: Objection. 1:53:18PM  
6 You can answer. 1:53:18PM  
7 A I didn't think it was relevant, I 1:53:19PM  
8 guess. 1:53:20PM  
9 **Q And similar to the question I asked** 1:53:22PM  
10 **you about her husband, do you think it could've** 1:53:24PM  
11 **been -- that could have affected -- whether she** 1:53:28PM  
12 **was drinking alcohol or not may have affected** 1:53:29PM  
13 **her ability to recall events?** 1:53:32PM  
14 MR. CONNOLLY: Objection to form. 1:53:34PM  
15 You can answer. 1:53:34PM  
16 A It may have. 1:53:35PM  
17 **Q Did she eventually fax something to** 1:53:41PM  
18 **you?** 1:53:43PM  
19 A Yes. 1:53:44PM  
20 **Q How long after you spoke with her did** 1:53:45PM  
21 **she fax something to you?** 1:53:47PM  
22 A I don't recall. 1:53:48PM  
23 **Q Was it handwritten or typed, what she** 1:53:49PM  
24 **faxed to you?** 1:53:52PM  
25 A Handwritten. 1:53:53PM  
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1 GEORGE HESSE  
2 that she was standing by the bathrooms when the 1:55:17PM  
3 police officers walked through the bar with one 1:55:20PM  
4 of the individuals in the altercation, but 1:55:23PM  
5 that's all I recall about that. 1:55:27PM  
6 **Q Did you ask her why she didn't give a** 1:55:29PM  
7 **statement to the police officers that night?** 1:55:31PM  
8 MR. NOVIKOFF: Objection. Form. 1:55:34PM  
9 A Yeah, later on. I believe she 1:55:35PM  
10 attempted to walk to the police station; but 1:55:37PM  
11 there was ambulance there, and she didn't want 1:55:39PM  
12 to interfere. She felt that she didn't want to 1:55:41PM  
13 bother anybody. 1:55:45PM  
14 **Q She told you that?** 1:55:47PM  
15 A That's -- yeah, that's what I recall. 1:55:48PM  
16 **Q When did she tell you that?** 1:55:51PM  
17 A I don't recall when, but I remember 1:55:52PM  
18 her saying something to that effect. 1:55:54PM  
19 **Q Was it during that phone conversation?** 1:55:55PM  
20 A No. No, it was after. 1:55:57PM  
21 **Q How many times after that first phone** 1:55:59PM  
22 **conversation did you speak with Jeanne Yager** 1:56:01PM  
23 **about the Halloween incident?** 1:56:03PM  
24 A Over the course of four and a half 1:56:05PM  
25 years, I don't know, 20 times. 1:56:08PM  
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1 GEORGE HESSE  
2 **Q Was it addressed to you, the fax?** 1:53:54PM  
3 A You know, I don't recall if it was or 1:53:55PM  
4 not. 1:53:57PM  
5 **Q Do you recall anything else that was** 1:54:03PM  
6 **discussed in the phone conversation that you had** 1:54:04PM  
7 **with Jeanne Yager that you testified to before?** 1:54:08PM  
8 A I don't recall at this time. 1:54:11PM  
9 **Q Is there anything you can think of** 1:54:13PM  
10 **that would refresh your recollection?** 1:54:15PM  
11 A No. 1:54:16PM  
12 (Whereupon, Bates document 3181-3182 1:54:29PM  
13 was marked as Plaintiff's Exhibit 15 for 1:54:29PM  
14 identification, as of this date.) 1:54:29PM  
15 BY MR. GOODSTADT: 1:54:48PM  
16 **Q Did Jeanne Yager tell you whether she** 1:54:51PM  
17 **was in the bar when the on-duty officers** 1:54:54PM  
18 **arrived?** 1:54:56PM  
19 A I don't recall. I'd have to read her 1:55:00PM  
20 statement. 1:55:03PM  
21 **Q Did you ask her whether she was at the** 1:55:03PM  
22 **bar when the on-duty officers arrived?** 1:55:05PM  
23 A You know, I believe I did. 1:55:10PM  
24 **Q Do you recall what she said?** 1:55:12PM  
25 A I believe -- I remember her saying 1:55:15PM  
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1 GEORGE HESSE  
2 **Q And when was the first time she told** 1:56:14PM  
3 **you that she didn't want to bother anybody?** 1:56:16PM  
4 A It may have been at her house when 1:56:19PM  
5 John Cherry and myself went there. 1:56:25PM  
6 **Q Did she tell you who she tried to go** 1:56:36PM  
7 **to the police station with, if anyone?** 1:56:38PM  
8 A Yeah, I believe Rich Bosetti. 1:56:41PM  
9 **Q She tried to go with Rich Bosetti?** 1:56:43PM  
10 A Yes. 1:56:45PM  
11 **Q Did she tell you where she went when** 1:56:46PM  
12 **she didn't want to bother anyone and stop into** 1:56:49PM  
13 **the police station?** 1:56:51PM  
14 A Well, I think her and her husband had 1:56:52PM  
15 walked down to CJ's. And Richie, I believe, 1:56:54PM  
16 approached them and said, you know, you should 1:56:57PM  
17 really go tell the officers what had happened. 1:57:00PM  
18 And they attempted to do so, and then they saw 1:57:02PM  
19 the ambulance; and I think they just said, well, 1:57:06PM  
20 we'll do it later or something. I'm 1:57:08PM  
21 speculating, but -- 1:57:10PM  
22 MR. CONNOLLY: Don't speculate. 1:57:11PM  
23 THE WITNESS: Sorry. 1:57:13PM  
24 MR. CONNOLLY: Just testify upon your 1:57:13PM  
25 knowledge. 1:57:14PM  
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1 GEORGE HESSE  
2 A Yeah, they just turned around. 1:57:15PM  
3 Q Did she tell you how long after the 1:57:16PM  
4 alleged choke that she tried to go to the police 1:57:19PM  
5 station? 1:57:22PM  
6 A No, I don't recall. 1:57:22PM  
7 Q Did you ask her whether she had any 1:57:23PM  
8 drinks in CJ's? 1:57:25PM  
9 A No, I don't recall. 1:57:28PM  
10 Q Did you ask her why she didn't try to 1:57:43PM  
11 give a statement to the officers when she was in 1:57:46PM  
12 the bar and the on-duty officers walked through 1:57:48PM  
13 the bar? 1:57:51PM  
14 A Yeah. At some point, Rich Bosetti had 1:57:53PM  
15 gone outside to make contact with the three 1:57:55PM  
16 police officers that were on duty, Fiorillo, 1:57:58PM  
17 Lamm and Snyder, to address them and say that 1:58:01PM  
18 Jean Yager was choked inside the bar, that they 1:58:03PM  
19 may want to talk to them. And I believe the 1:58:07PM  
20 response was no one was choked. I could never 1:58:09PM  
21 ascertain who said it. Tom Snyder denied it, 1:58:15PM  
22 and Chris -- they said that Christopher 1:58:18PM  
23 Shallick, who was one of the individuals 1:58:23PM  
24 involved in this incident, said it. 1:58:25PM  
25 Q Said what? 1:58:27PM  
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1 GEORGE HESSE  
2 Rich Bosetti. 1:59:09PM  
3 Q Okay. And what was the conversation 1:59:10PM  
4 that was had outside the bar? 1:59:12PM  
5 A I believe Frank had said that we're 1:59:14PM  
6 handling it, we'll take care of it. And then 1:59:19PM  
7 Richie had spoke to Snyder and tried to explain 1:59:23PM  
8 to him that someone was choked. I don't know if 1:59:26PM  
9 he specifically used her name or not. And the 1:59:30PM  
10 term -- and, you know, someone blurted out, no 1:59:33PM  
11 one was choked. Now, Rich Bosetti says it was 1:59:37PM  
12 Snyder that said it; and Snyder denies it, and 1:59:40PM  
13 Snyder thinks that Christopher Shallick may have 1:59:43PM  
14 said it. 1:59:47PM  
15 Q And what's the basis of your belief 1:59:47PM  
16 that Snyder denied it and said Christopher 1:59:49PM  
17 Shallick said it? 1:59:52PM  
18 A That's what they had told me. 1:59:53PM  
19 Q Who told you that? 1:59:56PM  
20 A I believe Snyder told me that. 1:59:57PM  
21 Q Did Snyder tell you that Rich 1:59:58PM  
22 Bosetti -- that Snyder asked Rich Bosetti who 1:59:59PM  
23 was choked? 2:00:00PM  
24 A I don't remember specifically. 2:00:01PM  
25 Q Did Rich Bosetti tell you that he 2:00:02PM  
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1 GEORGE HESSE  
2 A That no one was choked. 1:58:28PM  
3 Q Okay. 1:58:30PM  
4 A But I was told that Snyder said it. 1:58:30PM  
5 Q But just -- I guess I didn't get what 1:58:33PM  
6 you meant. Richard Bosetti went out and tried 1:58:35PM  
7 to make contact with the on-duty officers? How 1:58:40PM  
8 do you know that? 1:58:43PM  
9 A Because that's what I was told. 1:58:44PM  
10 Q By who? 1:58:46PM  
11 A By the three of them at some point and 1:58:47PM  
12 by Rich Bosetti. 1:58:49PM  
13 Q Do you know if Rich Bosetti was 1:58:51PM  
14 drinking that night? 1:58:53PM  
15 A I don't know for sure. 1:58:53PM  
16 Q Did you ask him? 1:58:55PM  
17 A I don't recall. 1:58:56PM  
18 Q Okay. And so Rich Bosetti tried to 1:58:56PM  
19 make contact with them. Did he make contact, to 1:58:59PM  
20 your understanding? 1:59:02PM  
21 A Yes. 1:59:03PM  
22 Q How did you know he made contact? 1:59:03PM  
23 A I was told. 1:59:05PM  
24 Q By who? 1:59:06PM  
25 A By Officer Fiorillo and Gary Bos -- 1:59:07PM  
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1 GEORGE HESSE  
2 identified who was choked? 2:00:05PM  
3 A I don't remember specifically. 2:00:07PM  
4 Q Now, if you look at Hesse 15, is this 2:00:12PM  
5 the facsimile that came in? 2:00:15PM  
6 A Yes. 2:00:19PM  
7 Q If you look at the top corner, it says 2:00:19PM  
8 10-29-04. 2:00:22PM  
9 Do you see that? 2:00:23PM  
10 A Right. 2:00:24PM  
11 Q That date is not accurate, is it? 2:00:25PM  
12 A No, that can't be. 2:00:28PM  
13 Q That's before the incident actually 2:00:29PM  
14 happened, right? 2:00:30PM  
15 A Yes. 2:00:31PM  
16 Q Do you recall what time it actually 2:00:32PM  
17 came in? 2:00:33PM  
18 A I don't recall, no. 2:00:34PM  
19 MR. NOVIKOFF: Well, there is that 2:00:34PM  
20 underlining line that appears -- 2:00:36PM  
21 THE WITNESS: Oh, there is, yes. 2:00:38PM  
22 MR. NOVIKOFF: -- it says 10/3. Can't 2:00:38PM  
23 really make out the next space. 2:00:40PM  
24 A 2964 and a 1951. 2:00:44PM  
25 MR. GOODSTADT: Either way, it doesn't 2:00:47PM  
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1 GEORGE HESSE  
2 make sense, because that Monday was after 2:00:48PM  
3 10-30 or 31. 2:00:50PM  
4 MR. NOVIKOFF: Maybe the machine was 2:00:52PM  
5 broken. 2:00:53PM  
6 BY MR. GOODSTADT: 2:00:55PM  
7 **Q Do you know why she wrote it to Ed 2:00:55PM**  
8 **Paradiso instead of you? 2:01:00PM**  
9 A I don't know. 2:01:02PM  
10 **Q Did you ever ask her? 2:01:02PM**  
11 A No. 2:01:03PM  
12 **Q So this fax was in response to your 2:01:07PM**  
13 **asking her to fax something in? 2:01:09PM**  
14 A Yes. 2:01:11PM  
15 **Q Did she mention who else she was with 2:01:19PM**  
16 **on that line? 2:01:21PM**  
17 A I believe she did, but she didn't know 2:01:26PM  
18 who they were by name. 2:01:27PM  
19 **Q So when you spoke to her, she told you 2:01:31PM**  
20 **she didn't know who she was with by name? 2:01:33PM**  
21 A She wasn't with anybody in particular, 2:01:36PM  
22 just other women waiting on line. 2:01:38PM  
23 **Q Okay. That's what she told you? 2:01:40PM**  
24 A That's what I recall. 2:01:44PM  
25 **Q Do you know whether she sought medical 2:01:50PM**  
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1 GEORGE HESSE  
2 **attention that night? 2:01:53PM**  
3 A Repeat that. 2:01:56PM  
4 **Q Did she -- did she indicate whether 2:01:58PM**  
5 **she sought medical attention that night? 2:02:00PM**  
6 A She did not. 2:02:02PM  
7 **Q She did not. 2:02:03PM**  
8 **Did you ask Richie Bosetti why he 2:02:04PM**  
9 **didn't bring her into the station that night? 2:02:08PM**  
10 A I believe I was told that they were 2:02:11PM  
11 going to wait until the ambulance had left, but 2:02:17PM  
12 then I don't think -- it never happened anyway, 2:02:20PM  
13 so I don't know. 2:02:22PM  
14 **Q So when the ambulance left, they 2:02:24PM**  
15 **didn't go back; is that your testimony? 2:02:25PM**  
16 A Right. 2:02:27PM  
17 **Q Okay. Do you know why they didn't go 2:02:28PM**  
18 **back? 2:02:30PM**  
19 A I don't -- I don't know. 2:02:30PM  
20 **Q Did you ask Rich Bosetti why? 2:02:32PM**  
21 A I don't recall if I did. 2:02:33PM  
22 **Q Did you ask Jean Yager why? 2:02:34PM**  
23 A I don't recall if I did or not. 2:02:38PM  
24 **Q Did you ask Bud Yager why? 2:02:40PM**  
25 A I don't recall if I did or not. 2:02:43PM  
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1 GEORGE HESSE  
2 **Q Did you ask Rich Bosetti why he didn't 2:02:52PM**  
3 **bring Jeanne Yager over to the on-duty officers 2:02:54PM**  
4 **at Houser's? 2:02:58PM**  
5 A I don't recall if I did or not. 2:02:59PM  
6 **Q So you don't know one way or the 2:03:02PM**  
7 **other? 2:03:03PM**  
8 A No, I don't. 2:03:05PM  
9 **Q Did he tell you why he didn't bring 2:03:06PM**  
10 **her over to them at Houser's? 2:03:08PM**  
11 A No. 2:03:10PM  
12 MR. CONNOLLY: "Them" being the 2:03:10PM  
13 officers at the scene? 2:03:11PM  
14 BY MR. GOODSTADT: 2:03:12PM  
15 **Q Rich Bosetti didn't bring Jean Yager 2:03:12PM**  
16 **over to the on-duty officers at the scene. 2:03:15PM**  
17 A Yeah, I don't recall. 2:03:18PM  
18 **Q Did you ask him? 2:03:18PM**  
19 A I don't recall if I did or not. 2:03:20PM  
20 MR. GOODSTADT: Why don't we take a 2:03:32PM  
21 break here and try to get in touch with the 2:03:33PM  
22 judge. 2:03:35PM  
23 THE VIDEOGRAPHER: The time is 2:05. 2:03:36PM  
24 We're off the record. 2:03:37PM  
25 (Whereupon, a discussion was held off 2:03:40PM  
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1 GEORGE HESSE  
2 the record.) 2:03:40PM  
3 THE VIDEOGRAPHER: The time is 2:09. 2:07:43PM  
4 We're on the record. 2:07:44PM  
5 BY MR. GOODSTADT: 2:07:49PM  
6 **Q Now, when this fax came in from Jeanne 2:07:49PM**  
7 **Yager, did you discuss it with anybody on that 2:07:52PM**  
8 **day, other than for what you already testified 2:07:55PM**  
9 **to with your conversation with her? 2:07:58PM**  
10 A I don't recall. 2:08:01PM  
11 **Q Did you speak to her after she faxed 2:08:02PM**  
12 **it in on that day? 2:08:05PM**  
13 A I don't recall. 2:08:07PM  
14 **Q And at the time this fax came in, had 2:08:09PM**  
15 **you put anybody else on the investigation with 2:08:13PM**  
16 **you or were you still the sole investigator? 2:08:15PM**  
17 A I was still alone. 2:08:18PM  
18 **Q And after this fax came in, what was 2:08:20PM**  
19 **the next -- well, strike that. 2:08:24PM**  
20 **How long was it between you got off 2:08:26PM**  
21 **the phone with her and the fax came in? 2:08:29PM**  
22 A I don't recall. 2:08:31PM  
23 **Q Did you do anything with respect to 2:08:31PM**  
24 **the investigation between getting off the phone 2:08:32PM**  
25 **with Jeanne Yager and Hesse 15 being faxed in? 2:08:35PM**  
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1 **GEORGE HESSE**  
2 A I don't remember. 2:08:41PM  
3 **Q So what was the next thing you recall 2:08:42PM**  
4 **doing with respect to the Halloween incident 2:08:45PM**  
5 **after receiving this fax? 2:08:47PM**  
6 A You know what, I really don't recall 2:09:02PM  
7 what I did right after. 2:09:04PM  
8 **Q Do you recall anything else you did on 2:09:05PM**  
9 **that day? 2:09:07PM**  
10 A I believe -- I think I called either 2:09:09PM  
11 Bud or Jeanne back at some point, and I asked if 2:09:12PM  
12 they remember if anybody else was at the bar and 2:09:17PM  
13 who it was, who was bartending. 2:09:20PM  
14 **Q You don't recall which person you 2:09:25PM**  
15 **called back and asked that to? 2:09:27PM**  
16 A It was probably Jeanne, because I 2:09:29PM  
17 couldn't get in touch with Bud from the 2:09:30PM  
18 beginning, so... 2:09:33PM  
19 **Q And what did she say in response to 2:09:36PM**  
20 **that question? 2:09:38PM**  
21 A She gave me some names. 2:09:39PM  
22 **Q What name did she give you? 2:09:42PM**  
23 A I believe Dan McKenna was the 2:09:43PM  
24 bartender. She said Ian Levine was there. She 2:09:46PM  
25 said Cara McKenna was there. I don't recall too 2:09:56PM  
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1 **GEORGE HESSE**  
2 A Secretarial. 2:10:43PM  
3 **Q And Ian Levine you knew before then, 2:10:48PM**  
4 **correct? 2:10:51PM**  
5 A Yes. 2:10:51PM  
6 **Q He's the same Ian Levine that you 2:10:52PM**  
7 **worked for at Sky Cable? 2:10:54PM**  
8 A Yes. 2:10:56PM  
9 **Q Did she tell you anything else during 2:10:56PM**  
10 **that phone conversation other than for those 2:10:57PM**  
11 **couple names? 2:11:00PM**  
12 A Not that I recall, no. 2:11:01PM  
13 **Q Do you recall anything else that was 2:11:03PM**  
14 **discussed between the two of you during that 2:11:04PM**  
15 **phone conversation? 2:11:06PM**  
16 A I don't recall. 2:11:07PM  
17 **Q Did you take any notes of that phone 2:11:07PM**  
18 **conversation? 2:11:09PM**  
19 MR. NOVIKOFF: The second conversation 2:11:12PM  
20 with Jeanne Yager? 2:11:13PM  
21 MR. GOODSTADT: When he called her 2:11:15PM  
22 back. 2:11:17PM  
23 MR. NOVIKOFF: Got it. 2:11:18PM  
24 MR. GOODSTADT: We already went 2:11:18PM  
25 through the first, was no notes. 2:11:18PM  
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1 **GEORGE HESSE**  
2 many other names. She said she didn't know a 2:09:59PM  
3 lot of people there. 2:10:03PM  
4 **Q And had you known Don McKenna before 2:10:04PM**  
5 **that time? 2:10:08PM**  
6 A Dan. 2:10:09PM  
7 **Q Dan McKenna? I apologize. 2:10:10PM**  
8 A Yeah, I knew Dan. 2:10:11PM  
9 **Q From being a bartender there or were 2:10:12PM**  
10 **you personal friends? 2:10:15PM**  
11 MR. NOVIKOFF: Objection. 2:10:16PM  
12 MR. CONNOLLY: Objection, or something 2:10:17PM  
13 else. 2:10:19PM  
14 A I'm not personal friends with Dan 2:10:19PM  
15 McKenna. He's a member of the fire service over 2:10:19PM  
16 there, ambulance corps. 2:10:23PM  
17 **Q Had you known Cara McKenna prior to 2:10:24PM**  
18 **then? 2:10:27PM**  
19 A Yes. 2:10:28PM  
20 **Q How did you know her? 2:10:29PM**  
21 A She is a long-time resident. She's 2:10:30PM  
22 been born there. I know her parents. She also 2:10:32PM  
23 works in the village office. She's also a 2:10:35PM  
24 member of the fire service and ambulance corps. 2:10:38PM  
25 **Q What did she do in the village office? 2:10:40PM**  
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1 **GEORGE HESSE**  
2 A Yeah, I don't recall if I took notes. 2:11:18PM  
3 **Q If you took some notes, where would 2:11:20PM**  
4 **they be kept? 2:11:22PM**  
5 A They should be in the file. If I took 2:11:24PM  
6 any notes, they would be in the file. 2:11:26PM  
7 **Q Did you keep like a notebook in 2:11:28PM**  
8 **connection with this investigation? 2:11:30PM**  
9 A No. 2:11:31PM  
10 **Q So what would you have taken notes on? 2:11:33PM**  
11 A Maybe just a piece of scrap paper or 2:11:35PM  
12 something. 2:11:38PM  
13 **Q Sitting here today, you don't recall 2:11:42PM**  
14 **one way or the other whether there were notes of 2:11:43PM**  
15 **that conversation? 2:11:45PM**  
16 A No, I don't recall. 2:11:46PM  
17 **Q What was the next thing you did after 2:11:50PM**  
18 **speaking with Jeanne Yager that day with respect 2:11:52PM**  
19 **to Halloween incident? 2:11:54PM**  
20 A Repeat that question. I'm sorry. 2:11:58PM  
21 **Q Yeah, after you spoke with Jeanne 2:12:00PM**  
22 **Yager for the second time, what was the next 2:12:02PM**  
23 **thing you did that day with respect to the 2:12:05PM**  
24 **Halloween investigation? 2:12:08PM**  
25 A I believe I reached out to Ian Levine 2:12:10PM  
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1 GEORGE HESSE  
2 to find out if he had seen anything. 2:12:12PM  
3 **Q Did you get in touch with him? 2:12:19PM**  
4 A Yes. 2:12:20PM  
5 **Q You called him or you went the to him 2:12:22PM**  
6 **in person? 2:12:25PM**  
7 A I called him. 2:12:25PM  
8 **Q Okay. Tell me everything you recall 2:12:26PM**  
9 **on that phone conversation. 2:12:27PM**  
10 A I asked him about the night, if he had 2:12:30PM  
11 seen anything. He said that he remembers that 2:12:32PM  
12 one of the Bosetti brothers -- a lot of people 2:12:40PM  
13 had a hard time telling between the two Bosetti 2:12:43PM  
14 brothers. But he said one of the Bosetti 2:12:46PM  
15 brothers was in a fight. He called the police 2:12:46PM  
16 department's direct number to get somebody down 2:12:48PM  
17 there quick to help out either Richie or Gary. 2:12:50PM  
18 And he said the fight was getting broken up 2:12:53PM  
19 after he hung up the phone. He said 2:12:58PM  
20 approximately, I think, 10 minutes had gone by 2:13:01PM  
21 before the police had arrived. And that's all I 2:13:03PM  
22 recall at this time. I know he gave a 2:13:06PM  
23 statement. 2:13:08PM  
24 **Q Did he tell you that he witnessed any 2:13:09PM**  
25 **part of the fight? 2:13:10PM**  
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1 GEORGE HESSE  
2 A Just the end part. He didn't see the 2:13:11PM  
3 beginning. 2:13:15PM  
4 **Q What end part did he tell you he 2:13:15PM**  
5 **witnessed? 2:13:18PM**  
6 A That Bosetti was over -- either 2:13:19PM  
7 standing over or squatting over. I'd have to 2:13:24PM  
8 read his statement to recall. He remembers 2:13:26PM  
9 seeing his shield out, and that's all I recall 2:13:28PM  
10 at this time. 2:13:30PM  
11 **Q Did he tell you that he saw one of the 2:13:31PM**  
12 **Bosettis use a pool cue? 2:13:34PM**  
13 A Not that I recall. 2:13:36PM  
14 **Q Did you ask him whether he was 2:13:44PM**  
15 **drinking that night? 2:13:45PM**  
16 A No. 2:13:46PM  
17 **Q How come? 2:13:47PM**  
18 A I don't recall why. 2:13:48PM  
19 **Q Do you think it would be relevant if 2:13:50PM**  
20 **an eyewitness who was giving you a statement was 2:13:51PM**  
21 **drinking that night? 2:13:53PM**  
22 MR. NOVIKOFF: Objection. 2:13:55PM  
23 A It could have been. 2:13:55PM  
24 **Q Did you take any notes of the phone 2:13:57PM**  
25 **call you had with Mr. Levine? 2:13:58PM**  
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1 GEORGE HESSE  
2 A I don't believe I did. 2:14:00PM  
3 **Q How come? 2:14:01PM**  
4 A Because I knew he was going to come in 2:14:01PM  
5 and give a statement, and it was just I didn't 2:14:03PM  
6 need to take notes. 2:14:05PM  
7 **Q Tell me everything else you recall 2:14:14PM**  
8 **about the conversation you had with Mr. Levine 2:14:15PM**  
9 **on the phone that day. 2:14:17PM**  
10 A I believe I asked him if he knew of 2:14:19PM  
11 anybody else that was there that he remembers. 2:14:21PM  
12 I think he gave me a couple more names. 2:14:26PM  
13 **Q What names did he give you? 2:14:29PM**  
14 A I believe he gave me Sean O'Rourke, 2:14:31PM  
15 Doug Wyckoff. I think he also -- because I 2:14:34PM  
16 asked who was -- if there were any other 2:14:37PM  
17 bartenders besides Dan. I don't recall offhand 2:14:38PM  
18 if he told me anybody else's names. 2:14:44PM  
19 **Q Did you ask him why he didn't give a 2:14:48PM**  
20 **statement to the police that night? 2:14:50PM**  
21 A I don't recall. 2:14:55PM  
22 **Q Was he at the bar when the on-duty 2:14:56PM**  
23 **police officers arrived? 2:14:58PM**  
24 A Yes. 2:15:02PM  
25 MR. NOVIKOFF: Was he told that by 2:15:04PM  
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1 GEORGE HESSE  
2 Mr. Levine if he was at the bar. 2:15:06PM  
3 MR. GOODSTADT: Yeah. 2:15:09PM  
4 BY MR. GOODSTADT: 2:15:09PM  
5 **Q Did he tell you that he was there when 2:15:09PM**  
6 **the on-duty police officers arrived? 2:15:11PM**  
7 A Yes. 2:15:12PM  
8 **Q Do you know whether he spoke with the 2:15:13PM**  
9 **on-duty police officers? 2:15:14PM**  
10 A I don't recall. 2:15:15PM  
11 **Q Did you ask whether he spoke with the 2:15:15PM**  
12 **on-duty police officers? 2:15:17PM**  
13 A I don't recall. 2:15:19PM  
14 **Q Just so I'm clear, to your 2:15:22PM**  
15 **understanding or knowledge, he never reached out 2:15:24PM**  
16 **to give a witness statement; you're the one that 2:15:29PM**  
17 **reached out to him, correct? 2:15:31PM**  
18 A That's correct, yes. 2:15:33PM  
19 **Q Do you recall anything else that was 2:15:39PM**  
20 **discussed during that phone conversation? 2:15:40PM**  
21 A I don't recall. 2:15:46PM  
22 **Q How did you know he was going to come 2:15:48PM**  
23 **in and give a statement? 2:15:49PM**  
24 A Because I asked him to. 2:15:51PM  
25 **Q Did he ever come in and give a 2:15:53PM**  
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1 **GEORGE HESSE**  
2 **statement? 2:15:55PM**  
3 A Yes. 2:15:55PM  
4 **Q When? 2:15:55PM**  
5 A I don't know the exact date. It may 2:15:56PM  
6 have been the next day. 2:15:58PM  
7 **Q That Tuesday? 2:16:00PM**  
8 A It may have been. I don't know. I 2:16:01PM  
9 know you have the statements, so... 2:16:02PM  
10 **Q It's your recollection it was that 2:16:05PM**  
11 **Tuesday? 2:16:07PM**  
12 A No. I don't recall. 2:16:07PM  
13 **Q Did you ask him whether he saw Gary 2:16:13PM**  
14 **Bosetti use a pool cue? 2:16:16PM**  
15 A I didn't -- I didn't take his 2:16:18PM  
16 statement, so I don't recall, no. 2:16:21PM  
17 **Q During the phone conversation you had. 2:16:22PM**  
18 A You know, I don't recall. 2:16:25PM  
19 **Q So after the phone conversation you 2:16:34PM**  
20 **had with Ian Levine, what was the next thing 2:16:35PM**  
21 **that you did in connection with the 2:16:38PM**  
22 **investigation? 2:16:40PM**  
23 A Now that I knew Doug Wyckoff was 2:16:41PM  
24 there, I think I tried to locate him. 2:16:44PM  
25 **Q Okay. And this is Doug Wyckoff, the 2:16:47PM**  
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1 **GEORGE HESSE**  
2 **husband of Dale Wyckoff, the former husband of 2:16:50PM**  
3 **Dale Wyckoff, father of Marissa Wyckoff, who 2:16:54PM**  
4 **worked in the police department; is that 2:16:58PM**  
5 **correct? 2:16:59PM**  
6 A Yes. 2:17:00PM  
7 **Q And did you reach out to Mr. Wyckoff? 2:17:01PM**  
8 A I don't remember how I got in touch 2:17:07PM  
9 with him. I think I ran into him. 2:17:08PM  
10 **Q You ran into him? 2:17:11PM**  
11 A Yeah. 2:17:13PM  
12 **Q Where? 2:17:13PM**  
13 A Outside the police station. 2:17:14PM  
14 **Q So the next thing you did, you're 2:17:17PM**  
15 **going to reach out to Doug Wyckoff and you just 2:17:19PM**  
16 **happen to run into him? 2:17:22PM**  
17 A It's a small village. Yeah. 2:17:25PM  
18 **Q Did you go outside looking for him? 2:17:26PM**  
19 A You know, I don't recall. 2:17:29PM  
20 **Q Was anyone else with you when you ran 2:17:32PM**  
21 **into Doug Wyckoff? 2:17:33PM**  
22 A I don't believe so, no. 2:17:35PM  
23 **Q Was anyone else with him when you ran 2:17:36PM**  
24 **into Doug Wyckoff? 2:17:38PM**  
25 A I don't know. I don't recall. 2:17:40PM  
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1 **GEORGE HESSE**  
2 **Q And did you speak with Doug Wyckoff 2:17:40PM**  
3 **when you ran into him? 2:17:42PM**  
4 A Yes. 2:17:44PM  
5 **Q Tell me everything you recall that was 2:17:44PM**  
6 **stated during that discussion. 2:17:46PM**  
7 A I asked him if he witnessed any of the 2:17:49PM  
8 events of that night. He said yes, that he 2:17:51PM  
9 actually got involved. And I asked if he would 2:17:54PM  
10 be willing to give a statement, and he said yes. 2:17:59PM  
11 And he came in and gave a statement. 2:18:01PM  
12 **Q Did he tell you any of the events 2:18:03PM**  
13 **during the conversation outside that he 2:18:07PM**  
14 **witnessed? 2:18:09PM**  
15 A I don't recall if he told me 2:18:11PM  
16 specifics. 2:18:14PM  
17 **Q And had he come forward with a 2:18:17PM**  
18 **statement prior to you seeing him that 2:18:20PM**  
19 **morning -- strike that. 2:18:22PM**  
20 **What time of day was it? 2:18:23PM**  
21 A I don't recall what time. 2:18:25PM  
22 **Q But it was still that same Monday? 2:18:26PM**  
23 A I believe so, yeah. 2:18:28PM  
24 **Q And prior to you running into him, had 2:18:29PM**  
25 **he reached out to the police department at all, 2:18:31PM**  
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1 **GEORGE HESSE**  
2 **do you know, to give a statement? 2:18:34PM**  
3 A Not that I know of. 2:18:36PM  
4 **Q And had he given a statement prior to 2:18:37PM**  
5 **that? 2:18:39PM**  
6 A Not that I know of. 2:18:39PM  
7 **Q Did you ask him whether he was in the 2:18:45PM**  
8 **bar at the time the on-duty officers got there? 2:18:46PM**  
9 A I don't recall if I asked him that 2:18:51PM  
10 specific question. 2:18:53PM  
11 **Q Did you ask him why he didn't give a 2:18:53PM**  
12 **statement that night? 2:18:56PM**  
13 A You know what, I think I did, and he 2:18:58PM  
14 said that no one asked him what happened. 2:19:00PM  
15 **Q Did you ask him why he didn't go to 2:19:02PM**  
16 **the police station? 2:19:04PM**  
17 A I don't recall if I did or not. 2:19:06PM  
18 MR. GOODSTADT: Let's go off the 2:19:18PM  
19 record for one second. 2:19:18PM  
20 THE VIDEOGRAPHER: The time is 2:21. 2:19:20PM  
21 We're off the record. 2:19:21PM  
22 (Whereupon, a discussion was held off 2:22:14PM  
23 the record.) 2:22:14PM  
24 THE VIDEOGRAPHER: The time is 2:24. 2:22:16PM  
25 We're on the record. 2:22:17PM  
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1 GEORGE HESSE  
2 BY MR. GOODSTADT: 2:22:21PM  
3 Q Do you recall anything else that was 2:22:21PM  
4 discussed between you and Mr. Wyckoff in that 2:22:22PM  
5 conversation outside? 2:22:25PM  
6 A Specifically, no. 2:22:26PM  
7 Q Did you take any notes of that 2:22:28PM  
8 conversation? 2:22:30PM  
9 A No. 2:22:30PM  
10 Q Why not? 2:22:30PM  
11 A I think I took his statement. 2:22:32PM  
12 Q You took his statement outside? 2:22:33PM  
13 A No. I think we walked right into the 2:22:35PM  
14 police station. 2:22:37PM  
15 Q Okay. So you took his statement on 2:22:38PM  
16 that day? 2:22:40PM  
17 A You know, I don't recall if it was 2:22:40PM  
18 that day, to tell you the truth. 2:22:42PM  
19 Q So your statement that we just walked 2:22:43PM  
20 back to the police station and took his 2:22:43PM  
21 statement may not be true? 2:22:43PM  
22 MR. NOVIKOFF: Objection. 2:22:48PM  
23 MR. CONNOLLY: Objection. 2:22:48PM  
24 A I don't recall four and a half years 2:22:50PM  
25 ago. 2:22:52PM  
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1 GEORGE HESSE  
2 MR. CONNOLLY: Objection. 2:23:59PM  
3 A It could've been. 2:23:59PM  
4 MR. GOODSTADT: Just mark that. 2:24:02PM  
5 (Whereupon, Bates document 3165-3166 2:24:03PM  
6 was marked as Plaintiff's Exhibit 16 for 2:24:03PM  
7 identification, as of this date.) 2:24:03PM  
8 MR. GOODSTADT: I've placed in front 2:24:26PM  
9 of Mr. Hesse what's now been marked as 2:24:27PM  
10 Hesse 16. It is a two-page exhibit bearing 2:24:30PM  
11 Bates 3165 and 3166. (Handing.) 2:24:35PM  
12 BY MR. GOODSTADT: 2:24:38PM  
13 Q Mr. Hesse, is this the witness 2:24:39PM  
14 statement that you took of Mr. Wyckoff? 2:24:40PM  
15 A Yes. 2:24:42PM  
16 Q Do you see on the bottom left it has 2:24:45PM  
17 "name of preparing officer"? 2:24:46PM  
18 Do you see that? 2:24:48PM  
19 A Yes. 2:24:48PM  
20 Q Is that your handwriting and 2:24:50PM  
21 signature? 2:24:51PM  
22 A Yes. 2:24:52PM  
23 Q And you were sergeant at the time? 2:24:55PM  
24 A Yes. 2:24:57PM  
25 Q Okay. And the -- on the bottom right, 2:24:57PM  
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1 GEORGE HESSE  
2 Q You don't recall what day it was? 2:22:59PM  
3 A No. 2:23:01PM  
4 Q Did he definitely come into the police 2:23:07PM  
5 station on the day that you saw him outside? 2:23:09PM  
6 A You know, I don't recall. I'm not 2:23:12PM  
7 going to guess. 2:23:15PM  
8 Q Did you ask whether he was drinking? 2:23:18PM  
9 A I don't recall. 2:23:22PM  
10 Q You don't recall one way or the other? 2:23:23PM  
11 A No. 2:23:25PM  
12 Q Do you think that would be an 2:23:27PM  
13 important fact to know, whether Mr. Wyckoff was 2:23:28PM  
14 drinking that night? 2:23:31PM  
15 MR. NOVIKOFF: Objection. 2:23:32PM  
16 A Could be. 2:23:33PM  
17 Q What do you mean, it could be? 2:23:35PM  
18 A It could be relevant. 2:23:37PM  
19 Q Why would it be relevant? 2:23:40PM  
20 MR. NOVIKOFF: Objection. 2:23:42PM  
21 A May impair his judgment or his 2:23:43PM  
22 recollection. 2:23:50PM  
23 Q So don't you think it of would have 2:23:54PM  
24 been important to ask him that question? 2:23:56PM  
25 MR. NOVIKOFF: Objection. 2:23:58PM  
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1 GEORGE HESSE  
2 you see he signed it 11-2-04. 2:25:01PM  
3 Do you see that? 2:25:04PM  
4 A Yes. 2:25:05PM  
5 Q Is that the date that you actually 2:25:05PM  
6 took the statement? 2:25:07PM  
7 A Yes. 2:25:08PM  
8 Q Does that refresh your recollection as 2:25:09PM  
9 to whether that was the Monday? 2:25:12PM  
10 A That would have to be Tuesday, then. 2:25:14PM  
11 Q Tuesday. Okay. 2:25:17PM  
12 So just so I get a time line correct 2:25:17PM  
13 here, did you have the conversation with him 2:25:19PM  
14 outside the police station on Monday or Tuesday? 2:25:21PM  
15 A I don't recall. 2:25:24PM  
16 Q Okay. 2:25:25PM  
17 MR. NOVIKOFF: I'm sorry, is two 2:25:26PM  
18 minutes up? 2:25:29PM  
19 THE REPORTER: Yeah. 2:25:31PM  
20 MR. NOVIKOFF: I want to put on the 2:25:33PM  
21 record that I believe Mr. Goodstadt's seven 2:25:33PM  
22 hours has ended, but then again, I leave 2:25:34PM  
23 that to Mr. Connolly to decide what to do 2:25:37PM  
24 going forward. 2:25:41PM  
25 MR. CONNOLLY: Mr. Goodstadt, you can 2:25:42PM  
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1 GEORGE HESSE  
2 finish questioning regarding this exhibit. 2:25:44PM  
3 MR. GOODSTADT: Okay. Four and a half 2:25:47PM  
4 hours on this exhibit, are you okay with 2:25:50PM  
5 that? 2:25:52PM  
6 MR. NOVIKOFF: All right then. 2:25:55PM  
7 MR. CONNOLLY: Yes, four and a half 2:25:56PM  
8 hours limited to this exhibit. 2:25:58PM  
9 BY MR. GOODSTADT: 2:26:00PM  
10 Q So it's possible that there was a gap 2:26:01PM  
11 of a day between your conversation outside and 2:26:03PM  
12 the day you took his statement, correct? 2:26:05PM  
13 A Sure. 2:26:08PM  
14 Q Okay. Did you ask Mr. Wyckoff why he 2:26:08PM  
15 didn't give a statement at the bar that night? 2:26:13PM  
16 MR. NOVIKOFF: Objection. Asked and 2:26:15PM  
17 answered. 2:26:16PM  
18 A I believe he said to me that no one 2:26:20PM  
19 approached him or asked him what happened. 2:26:22PM  
20 Q Did you ask him whether he saw the 2:26:24PM  
21 on-duty officers there that night? 2:26:26PM  
22 A I don't recall. 2:26:28PM  
23 Q Did you ask him whether any of the 2:26:29PM  
24 officers went back into the bar and asked a 2:26:31PM  
25 general question to everyone in the bar, did 2:26:33PM  
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1 GEORGE HESSE  
2 his statement? 2:27:18PM  
3 A I don't recall either way. 2:27:19PM  
4 Q Do you recall what time on the 2nd he 2:27:20PM  
5 gave you this statement? 2:27:23PM  
6 A No, I don't recall. 2:27:23PM  
7 Q Do you recall what other statements 2:27:24PM  
8 you had prior to Wyckoff giving you this 2:27:26PM  
9 statement? 2:27:28PM  
10 A Say that again. 2:27:28PM  
11 Q Do you recall what other -- which 2:27:29PM  
12 other witness statements you had prior to taking 2:27:30PM  
13 Wyckoff's? 2:27:32PM  
14 A At this time, I don't recall, no. 2:27:33PM  
15 Q Is there anything that you can think 2:27:35PM  
16 of that would refresh your recollection? 2:27:36PM  
17 A The entire Halloween file. 2:27:38PM  
18 Q Anything else? 2:27:41PM  
19 A No. 2:27:42PM  
20 Q Then if you look down the fourth line 2:27:45PM  
21 down in the text there on Page 1 of Hesse 16, it 2:27:48PM  
22 says, "I observed a large male, built like a 2:27:54PM  
23 fireplug, now known to me as Christopher 2:27:57PM  
24 Shallick." 2:28:00PM  
25 Do you see that? 2:28:00PM  
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1 GEORGE HESSE  
2 anyone see what happened this evening? 2:26:36PM  
3 A Repeat that. 2:26:38PM  
4 Q Did you ask him whether about of the 2:26:39PM  
5 on-duty officers went back into the bar that 2:26:40PM  
6 evening and asked generally to everyone that was 2:26:44PM  
7 there, did anyone see what happened? 2:26:46PM  
8 A I don't recall anything like that, no. 2:26:49PM  
9 Q Did you ever hear that Tom Snyder went 2:26:50PM  
10 back in the bar and asked that question? 2:26:53PM  
11 A No. 2:26:56PM  
12 Q Snyder never told you that? 2:26:58PM  
13 A No. 2:26:59PM  
14 Q If you look down -- well, strike that. 2:27:00PM  
15 Is this the -- this is the witness 2:27:03PM  
16 statement that he gave you? 2:27:04PM  
17 A Yes. 2:27:05PM  
18 Q And is this your handwriting? I know 2:27:06PM  
19 that may be his signature on the bottom right. 2:27:06PM  
20 But other than that, is this your handwriting? 2:27:08PM  
21 A Yes. 2:27:12PM  
22 Q Second page also, other than for his 2:27:12PM  
23 signature, is that your handwriting? 2:27:14PM  
24 A Yes. 2:27:16PM  
25 Q Was anyone else there when you took 2:27:16PM  
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1 GEORGE HESSE  
2 A Yes. 2:28:01PM  
3 Q "Of 63 Maple Place Huntington, New 2:28:02PM  
4 York." 2:28:07PM  
5 Do you see that? 2:28:07PM  
6 A Yes. 2:28:07PM  
7 Q How did he learn that that was 2:28:09PM  
8 Christopher Shallick of 63 Maple Place, 2:28:09PM  
9 Huntington, New York? 2:28:09PM  
10 A I laid out a couple of licenses that 2:28:10PM  
11 these officers had photo- -- I think 2:28:13PM  
12 photocopied, and he said that was the guy right 2:28:15PM  
13 there. 2:28:18PM  
14 Q Okay. So the fact that you laid out 2:28:18PM  
15 licenses and had like sort of a license 2:28:22PM  
16 lineup -- 2:28:25PM  
17 A Pretty much. 2:28:26PM  
18 Q -- that's not reflected anywhere in 2:28:27PM  
19 here, is it? 2:28:29PM  
20 A No. 2:28:30PM  
21 Q In the statement? 2:28:30PM  
22 A No. 2:28:30PM  
23 Q How come? 2:28:31PM  
24 A I don't know. 2:28:33PM  
25 Q It says on this Page 2 of Exhibit 2:28:44PM  
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1 **GEORGE HESSE**  
2 **Hesse 16, the one, two, three, four, fifth line 2:28:53PM**  
3 **down, it says, "The doorman, Sean O'Rourke." 2:28:56PM**  
4 **Do you see that? 2:28:58PM**  
5 A Yes. 2:28:59PM  
6 **Q "Doorman, Sean O'Rourke, came over to 2:28:59PM**  
7 **help keep Christopher out of the bar." 2:29:03PM**  
8 **Do you see that? 2:29:05PM**  
9 A Yes. 2:29:06PM  
10 **Q It says, "Sean phoned the police." 2:29:07PM**  
11 **Do you see that? 2:29:09PM**  
12 A Yes. 2:29:10PM  
13 **Q Is it your understanding that Sean 2:29:11PM**  
14 **O'Rourke called the police that night? 2:29:13PM**  
15 A Yes. 2:29:15PM  
16 **Q And that's a separate call than Ian 2:29:16PM**  
17 **Levine's? 2:29:19PM**  
18 A Yes. 2:29:21PM  
19 **Q And then the last sentence that says, 2:29:21PM**  
20 **"They never asked me or anyone if I could see 2:29:23PM**  
21 **any questions about what happened." 2:29:26PM**  
22 **Do you see that? 2:29:29PM**  
23 A Yeah. 2:29:30PM  
24 **Q Is that the statement that you 2:29:31PM**  
25 **testified to before, that no one had asked him 2:29:32PM**  
  
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1 **GEORGE HESSE**  
2 **MR. GOODSTADT: We are -- as you 3:03:01PM**  
3 **recall, we had made a motion to extend the 3:03:03PM**  
4 **time to take Defendant George Hesse's 3:03:07PM**  
5 **deposition beyond the seven hours. 3:03:09PM**  
6 **THE COURT: Yes. 3:03:11PM**  
7 **MR. GOODSTADT: And you had denied 3:03:12PM**  
8 **that without prejudice with the right to 3:03:13PM**  
9 **renew when we reached the seven-hour point. 3:03:16PM**  
10 **And we've now reached the seven-hour point, 3:03:18PM**  
11 **and we'd like to renew our request for an 3:03:21PM**  
12 **additional four and a half hours. 3:03:24PM**  
13 **THE COURT: These are really elaborate 3:03:26PM**  
14 **motions because you really have to justify 3:03:26PM**  
15 **your -- what you have to cover and why you 3:03:30PM**  
16 **didn't cover it in the time allotted. And 3:03:34PM**  
17 **I've done opinions on this, and, you know, 3:03:38PM**  
18 **that's why I tried to set up a conference 3:03:42PM**  
19 **call last week to urge you to do some kind 3:03:45PM**  
20 **of a conference just to eliminate the 3:03:49PM**  
21 **paperwork. But if you can't agree on it, 3:03:53PM**  
22 **make your motion. But do your research on 3:03:55PM**  
23 **it. These are simple issues that you made 3:03:57PM**  
24 **in your motion; and if you use your same old 3:04:02PM**  
25 **motion, it would be denied. 3:04:04PM**  
  
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1 **GEORGE HESSE**  
2 **what happened? 2:29:34PM**  
3 **MR. NOVIKOFF: Objection. 2:29:35PM**  
4 **A That's what I recall. That's what he 2:29:36PM**  
5 **told me. 2:29:37PM**  
6 **Q And then in response to that, you did 2:29:38PM**  
7 **or did not ask him why he didn't proactively 2:29:41PM**  
8 **seek to give a statement to the on-duty 2:29:44PM**  
9 **officers? 2:29:46PM**  
10 **MR. CONNOLLY: Objection to form. 2:29:47PM**  
11 **MR. NOVIKOFF: Objection. 2:29:49PM**  
12 **A I don't recall. 2:29:49PM**  
13 **Q You don't recall whether you did? 2:29:49PM**  
14 **A No. 2:29:51PM**  
15 **MR. GOODSTADT: I think I'm done with 2:30:07PM**  
16 **this exhibit for now. 2:30:08PM**  
17 **MR. CONNOLLY: Okay. Why don't we 2:30:09PM**  
18 **take a two-minute break and figure out what 2:30:10PM**  
19 **we're going to do. 2:30:12PM**  
20 **THE VIDEOGRAPHER: The time is 2:32. 2:30:15PM**  
21 **We're off the record. 2:30:16PM**  
22 **(Whereupon, a discussion was held off 2:30:18PM**  
23 **the record.) 2:30:18PM**  
24 **(Whereupon, Magistrate Boyle was 2:30:18PM**  
25 **called.) 2:30:18PM**  
  
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1 **GEORGE HESSE**  
2 **MR. GOODSTADT: Okay. So we'll be 3:04:07PM**  
3 **happy to submit a brief on the issue. 3:04:10PM**  
4 **THE COURT: Read the case. Are the 3:04:15PM**  
5 **defendants there? 3:04:16PM**  
6 **MR. CONNOLLY: Yes, we are, Your 3:04:17PM**  
7 **Honor. 3:04:17PM**  
8 **THE COURT: Is there any way you'll 3:04:18PM**  
9 **consent to like an extension of two hours or 3:04:20PM**  
10 **something? The defense should speak up to 3:04:22PM**  
11 **that. 3:04:22PM**  
12 **MR. CONNOLLY: Your Honor, we had 3:04:25PM**  
13 **offered earlier an extension of 90 minutes. 3:04:26PM**  
14 **We're already 20 minutes beyond the seven 3:04:29PM**  
15 **hours, and my understanding is we've already 3:04:31PM**  
16 **gotten 475 pages of deposition transcript. 3:04:31PM**  
17 **THE COURT: So you did your seven 3:04:37PM**  
18 **hours, did you? 3:04:40PM**  
19 **MR. CONNOLLY: And seven hours and 20 3:04:41PM**  
20 **minutes. 3:04:42PM**  
21 **THE COURT: My suggestion would be to 3:04:45PM**  
22 **see how you can work it out. Do you have 3:04:46PM**  
23 **any offer at all or do you want to go 3:04:49PM**  
24 **through a motion? Because you're probably 3:04:53PM**  
25 **going to end up submitting your second 3:04:54PM**  
  
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<p>1 GEORGE HESSE</p> <p>2 deposition. 3:04:58PM</p> <p>3 MR. CONNOLLY: Your Honor, we did 3:04:58PM</p> <p>4 offer -- 3:04:58PM</p> <p>5 THE COURT: The issue being -- you 3:04:58PM</p> <p>6 know, being the length of time. 3:04:59PM</p> <p>7 MR. CONNOLLY: Your Honor, the 3:05:01PM</p> <p>8 defendant did offer an additional 3:05:02PM</p> <p>9 90 minutes. 3:05:04PM</p> <p>10 THE COURT: Is that anything you're 3:05:08PM</p> <p>11 interested in? 3:05:09PM</p> <p>12 MR. GOODSTADT: Well, Your Honor, any 3:05:10PM</p> <p>13 extra time certainly helps, but this is, as 3:05:12PM</p> <p>14 we wrote in our letter, certainly the most 3:05:14PM</p> <p>15 important witness in the entire case, who is 3:05:16PM</p> <p>16 involved with almost each and every 3:05:19PM</p> <p>17 allegation in the 193-paragraph complaint. 3:05:21PM</p> <p>18 There's thousands of pages of documents, 3:05:24PM</p> <p>19 most of which relate to this witness. I 3:05:26PM</p> <p>20 believe I've been, you know, pretty good 3:05:29PM</p> <p>21 about getting through a lot of the topics. 3:05:33PM</p> <p>22 I don't think that I've delayed or 3:05:35PM</p> <p>23 procrastinated or spent much time on 3:05:37PM</p> <p>24 anything that would be irrelevant, and 3:05:40PM</p> <p>25 there's just a lot of to go through. I 3:05:41PM</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p>1 GEORGE HESSE</p> <p>2 mean, even Mr. Novikoff's letter to the 3:05:44PM</p> <p>3 Court from weeks ago requesting extension of 3:05:46PM</p> <p>4 the discovery schedule demonstrated that 3:05:48PM</p> <p>5 this is a very important witness who -- you 3:05:51PM</p> <p>6 know, who defendants plan to spend several 3:05:53PM</p> <p>7 hours with as well questioning. 3:05:56PM</p> <p>8 MR. NOVIKOFF: Your Honor, this is 3:05:58PM</p> <p>9 Mr. Novikoff. 3:05:59PM</p> <p>10 I was going to hopefully remain quiet 3:06:00PM</p> <p>11 for once in my life because Mr. Hesse is not 3:06:03PM</p> <p>12 my client. But since I've been brought into 3:06:05PM</p> <p>13 this, the only thing I will say is I've 3:06:08PM</p> <p>14 taken each of the plaintiffs' depositions on 3:06:10PM</p> <p>15 the same allegations in under seven hours, 3:06:12PM</p> <p>16 and I have not asked for one extension of 3:06:14PM</p> <p>17 time for any of the plaintiffs. And also in 3:06:16PM</p> <p>18 my respectful opinion, Mr. Goodstadt has 3:06:19PM</p> <p>19 spent a considerable amount of time on 3:06:22PM</p> <p>20 either irrelevant issues or issues that 3:06:25PM</p> <p>21 really were not in dispute in terms of what 3:06:27PM</p> <p>22 he believes are relevant facts in this case. 3:06:31PM</p> <p>23 But it's Mr. Connolly's client, so other 3:06:34PM</p> <p>24 than just saying that, I'm out of it. 3:06:37PM</p> <p>25 THE COURT: Mr. Connolly, do you want 3:06:41PM</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>
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<p>1 GEORGE HESSE</p> <p>2 to say something? 3:06:42PM</p> <p>3 MR. CONNOLLY: Yes, Your Honor. I 3:06:43PM</p> <p>4 feel what we've offered to do is more than 3:06:44PM</p> <p>5 fair. And, you know, there's been no claim 3:06:47PM</p> <p>6 that the questioning was impeded in any 3:06:49PM</p> <p>7 manner, and I feel that if it was structured 3:06:51PM</p> <p>8 in a different way, we could've been done 3:06:54PM</p> <p>9 under the seven. 3:06:56PM</p> <p>10 THE COURT: All right. My only 3:06:58PM</p> <p>11 suggestion to you -- and I'm just stating 3:07:00PM</p> <p>12 the obvious, so it's not going to be any 3:07:01PM</p> <p>13 surprise. The plaintiff is looking for 3:07:04PM</p> <p>14 another four and a half. You're offering 3:07:07PM</p> <p>15 90 minutes. Why don't you split it down to 3:07:09PM</p> <p>16 the middle and do two and a quarter hours, 3:07:12PM</p> <p>17 and you can save yourselves a lot of 3:07:14PM</p> <p>18 paperwork and indefiniteness and you can 3:07:17PM</p> <p>19 wind this up today. 3:07:21PM</p> <p>20 MR. CONNOLLY: Well, Your Honor, while 3:07:22PM</p> <p>21 I appreciate the Court's suggestion, I feel 3:07:24PM</p> <p>22 beyond 90 minutes -- 3:07:30PM</p> <p>23 THE COURT: You don't even have to 3:07:33PM</p> <p>24 comment, okay. I can't do anything else 3:07:34PM</p> <p>25 right now. So go ahead and make your motion 3:07:36PM</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p>1 GEORGE HESSE</p> <p>2 if you can't resolve it. 3:07:39PM</p> <p>3 MR. GOODSTADT: Thank you, Your Honor. 3:07:41PM</p> <p>4 MR. CONNOLLY: Thank you. 3:07:42PM</p> <p>5 MR. NOVIKOFF: Thank you. 3:07:44PM</p> <p>6 (Whereupon, a discussion was held off 3:07:44PM</p> <p>7 the record.) 3:07:44PM</p> <p>8 MR. GOODSTADT: After the conference 3:25:41PM</p> <p>9 call we had with the Court where the Court 3:25:43PM</p> <p>10 suggest we try to work something out without 3:25:46PM</p> <p>11 having the need to submit written motions, 3:25:49PM</p> <p>12 we have not been able to work out an 3:25:52PM</p> <p>13 agreeable extension for Mr. Hesse's 3:25:56PM</p> <p>14 deposition. So we plan to make a motion to 3:25:58PM</p> <p>15 the Court for additional time pursuant to 3:26:00PM</p> <p>16 the Judge's directive. And I guess based on 3:26:02PM</p> <p>17 what the court rules, we'll determine when 3:26:06PM</p> <p>18 and for how long we reconvene. 3:26:09PM</p> <p>19 MR. NOVIKOFF: Just so it's clear, you 3:26:13PM</p> <p>20 are keeping the deposition open. 3:26:14PM</p> <p>21 MR. GOODSTADT: Yes. 3:26:16PM</p> <p>22 MR. NOVIKOFF: You're not ending it, 3:26:16PM</p> <p>23 and it's open subject to your application to 3:26:18PM</p> <p>24 Judge Boyle for additional time. And 3:26:20PM</p> <p>25 therefore, on behalf of the village 3:26:23PM</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>

GEORGE HESSE

defendants, I reserve my right to question 3:26:25PM  
Mr. Hesse until such time as the deposition 3:26:28PM  
is officially closed either by Mr. Goodstadt 3:26:31PM  
indicating such or the Court indicating that 3:26:35PM  
Mr. Goodstadt has no additional time. 3:26:36PM  
MR. CONNOLLY: And so the record is 3:26:39PM  
clear, at this juncture, we have gone on for 3:26:41PM  
seven hours and 20 minutes. 3:26:44PM  
MR. GOODSTADT: The record will 3:26:46PM  
reflect how long we've gone on for. 3:26:47PM  
MR. TERMINI: I would just simply 3:26:51PM  
reserve any rights when it finally becomes 3:26:52PM  
the County of Suffolk's turn. 3:26:55PM  
(Time noted 3:26 p.m.) 3:26:59PM  
3:26:59PM  
GEORGE HESSE 3:26:59PM

Subscribed and sworn to before me 3:26:59PM  
this day of , 2009 3:26:59PM  
3:26:59PM

3:26:59PM

3:26:59PM

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PROCEEDINGS  
C E R T I F I C A T E

I, JUDI JOHNSON, RPR, CRR, CLR, a Notary Public in  
and for the State of New York, do hereby certify:  
THAT the witness whose testimony is hereinbefore  
set forth, was duly sworn by me; and  
THAT the within transcript is a true record  
of the testimony given by said witness. I further  
certify that I am not related, either by blood or  
marriage, to any of the parties to this action; and  
THAT I am in no way interested in the outcome of  
this matter.  
IN WITNESS WHEREOF, I have hereunto set  
my hand this 26th day of June, 2009.

JUDI JOHNSON, RPR, CRR, CLR

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ERRATA SHEET

NAME OF CASE: CARTER V. OCEAN BEACH  
DATE OF DEPOSITION: JUNE 16, 2009  
NAME OF WITNESS: GEORGE HESSE

Reason codes:

- To clarify the record.
- To conform to the facts
- To correct the transcription errors.

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GEORGE HESSE

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